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28 JUN 1977

Dear Mr. Gross,

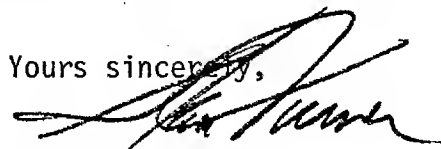
How kind of you to share your honors paper with me. It arrived at a significant time as we approach the climax of a study of Executive Order 11905 and other aspects of the intelligence structure and mission as directed by Presidential Review Memorandum/NSC-11 -- documents you should be aware of in connection with your study.

I commend you on a well-written paper. Professor Taubman was right in suggesting that it would be of interest to me. In all frankness, I have found that much of the material covered by your sources is about the CIA of the past. There have been many changes -- in attitude as well as form. For example, the portion of Agency resources devoted to covert action has been steadily decreasing and is only a very small percentage of the total budget now. Also, any covert action proposal must be approved by a Cabinet-level committee, certified by the President as important to our national security, and reported to seven committees of the Congress. In addition, there is an Intelligence Oversight Board, created by Executive Order 11905, which checks on any suspected irregularities or improprieties.

I am confident that the procedure directed by the President for the thorough study of our intelligence structure and missions will result in additional safeguards and decisions which will strengthen our intelligence community. It should be of special interest to you that some of the recommendations in your paper are among the options which we will be considering. You should watch for the President's decisions with special interest.

Thank you again for your thoughtfulness in sharing your paper with me. I hope that you will maintain your interest in our intelligence community.

Yours sincerely,



STANSFIELD TURNER

Mr. Jonathan S. Gross



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The Director of Central Intelligence

Washington, D.C. 20505

77-4490/1

23 JUN 1977

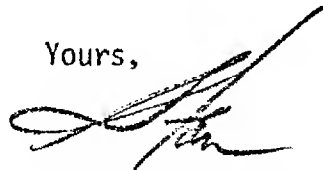
Dear Bill,

Thank you for mentioning Jonathan Gross' honors paper and suggesting that he share it with me. It is a well-written paper and I have found it especially interesting since we are coming down to the wire on presenting options to the President for strengthening our intelligence structure and missions.

Some of the points in Mr. Gross' paper are among the options we will be considering, so I suggested to him that he will be interested in seeing what the President decides.

Thanks again for arranging for me to see this paper.

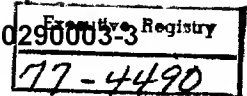
Yours,



STANSFIELD TURNER

STAT

Professor William Taubman  
Department of Political Science  
Amherst College  
Amherst, Massachusetts 01002



STAT

May 31, 1977

Admiral Stansfield Turner  
Director of Central Intelligence  
C.I.A.  
Washington, D.C. 20505

Dear Admiral Turner:

Professor William Taubman of Amherst College has informed me that, in his conversations with you, you have expressed an interest in reading my honors work. I have enclosed a copy of my thesis in the hope that your readiness to be concerned with an undergraduate's project will not be disappointed. I do so fully realizing that the subject of my work is one with which you are much more intimately acquainted than I. Therefore, the spirit in which I submit my synthesis and interpretation of the CIA's record is based merely upon a chance possibility that insight can be had from outside, myself and my perspectives being well isolated from the challenges that you surely face every day. If you will but read my essay in a similar spirit, my work will have made the transition from academia to a world of increased responsibilities in a manner matching my highest expectations. At least, I hope you enjoy the paper for the well organized piece of writing which I believe it is.

Sincerely,

*Jonathan S. Gross*

Jonathan S. Gross  
Class of 77, Amherst College

COMMENTS ON "THE CIA AND THE BUREAUCRATIC ROOTS  
OF COVERT INTERVENTION" BY JONATHAN S. GROSS

1. Mr. Gross' proposal for reform seeks to reduce covert operations, although not exclude them. He advocates splitting the DCI from the Director of CIA; splitting operations from intelligence analysis and production; and stripping the DCI of any authority over operations. A new operational unit could report to the Secretary of State; in any event, its main task would be clandestine intelligence collection, not covert action operations. Chapter V and the Conclusion, pages 55-70, sum it up.

2. Drawing on published materials, albeit including the authoritative and semi-documentary material of the recent Congressional investigations, the author has compiled an interesting basis for his analysis and conclusions. However, since he works from the bias, partial knowledge, misinformation, faulty interpretation, and other shortcomings of his public sources, a reviewer must restrain the urge to take issue and "nitpick" if he has the vantage of better information and insight.

3. The author faults an institutional bias toward covert action (which, however real it may have been, is diminished, if not absent today). He disdains the adequacy of Congressional and Executive oversight (without reference to the experiences under E.O. 11905 -- which is not mentioned per se -- SSCI and other legislative, legal and regulatory restraints which have generated a new attitude and compelled adherence to controls and restrictions unknown during the period on which his sources concentrate).

4. Whatever the merits or demerits, he writes well, presents a thoughtful, well-organized paper, has an interesting collection of sources and quotes to support his thesis, and has produced a readable, thought-provoking paper.

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Jonathan S. Gross



ADMIRAL STANSFIELD TURNER  
DIRECTOR OF CENTRAL INTELLIGENCE  
C.I.A.  
WASHINGTON, D.C. 20505

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THE CIA AND THE BUREAUCRATIC  
ROOTS OF COVERT INTERVENTION

Jonathan S. Gross

Submitted to the Department of  
Political Science of Amherst College  
in partial fulfillment of the requirements  
for the degree of Bachelor of Arts with Honors

Professor William Taubman

April 12, 1977



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## PREFACE

"But it seems impossible to speak and yet say nothing, you think you have succeeded, but you always overlook something, a little yes, a little no, enough to exterminate a regiment of dragoons." Samuel Beckett, The Unnamable

This paper naturally is the product of many points of view, opinions on methodology, and response to critical appraisal. Lacking the opportunity to footnote all inputs, there is a chance to acknowledge a few more contributors here. My thanks to my advisor, Professor William Taubman; readers, Professors George Kateb and Austin Sarat; and the members of the Political Science Honors Seminar. I owe thanks to Linda Greenberg and Selma Gross for help in preparing the various drafts. My roommates also deserve thanks for often lending a sympathetic ear even though they hadn't the slightest interest in the topic.

## I. COVERT ACTION: ROOTS AND REFORM

The United States has made much use of covert action in the international affairs of the post-war world. The various activities which fall under the rubric "covert action", such as relatively small scale encouragement or financial assistance to groups abroad and much larger scale paramilitary operations, constitute a significant part of U.S. foreign policy. Even a partial list of American exercise of covert action serves to describe the extent of U.S. clandestine international involvement. In 1948, the CIA passed money to non-Communist parties in Italian elections; in 1951, the CIA played an instrumental role in deposing premier Mossadeq of Iran; a long CIA involvement in Guatemalan affairs culminated in the forceful overthrow of the Arbenz government in 1954; similar CIA projects concerning Cuba eventually led to the Bay of Pigs in 1961; the CIA funneled money in support of strikes in British Guiana; the 1967 elections in India were influenced by the passage of funds to rightist parties; the CIA essentially directed a war in Laos through most of the 1960's.<sup>1</sup> The public list goes on, and there are many other instances of covert action not yet revealed.

The ubiquitous use of covert action is one of many manifestations of U.S. activism in foreign affairs. Like the Marshall plan and intervention in Greece, Korea, and Vietnam, covert action is the outcome, an effect, of what some have called

an American "globalism."<sup>2</sup> There are justifications given for active U.S. involvement, which can be found in the various strategic, ideological, and economic formulations that have accompanied U.S. exploits. The justifications have reasoned that it is necessary to respond to Soviet actions, to promote democratic ideals, to insure international order, to oppose threats to property, and to contain Communism. These perceived needs set the stakes in the international arena so high that they cause policy officials to assume an active global posture and, at times, to pursue goals through covert action. The roots of such perceptions ultimately can be traced to the institutions and traditions of U.S. society. The many characters of the American polity shape the manner in which it approaches the rest of the world, and account for the great use of covert action. A huge military-industrial complex creates pressures for active international involvement. Many aspects of U.S. business -- profit seeking, multinational corporations, tremendous domestic consumption -- propel American interests beyond national borders. The traditional aversion to Communism and idealistic aspirations for democratic values also color the American international stance. Covert action can be ascribed largely to such societal factors.

While it is true that the great use of covert action through the CIA is a manifestation of a general globalist orientation, covert action is more than that. It also is a cause of international action. The mechanisms constructed for the conduct of covert action and its subsequent implementation have contributed to bring about more covert action. A kind of bureaucratic

dynamism must be added to the multiplicity of other reasons for the perceived high stakes in international affairs and for ubiquitous covert operations. The impact of this dynamism on the decisions to initiate covert action varies from case to case, and it really cannot be seen apart from the other numerous determinants of international action. But, in Richard Fagen's words, "to disentangle the web of causality in any particular case may not be so important as to be sensitive to the multiplicity of factors which might be operative."<sup>3</sup> This paper examines closely the causal links that inhere in the actual organization for the execution of intelligence policies. It notes that the CIA and covert operations are very much an effect of the various societal roots of American globalism, and that this effect itself reinforces the inclination toward action. The executive organ charged with the conduct of covert action, the CIA, and its peculiar relationship to higher policy officials illustrate a premise most succinctly phrased by Peter Blau:

In the course of operations, new elements arise in the structure that influence subsequent operations.<sup>4</sup>

It will be shown that it is necessary to take into account the sentiment expressed by Philip Selznick:

The organic, emergent character of the formal organization as a cooperative enterprise must be recognized. This means that the organization reaches decisions, takes action, and makes adjustments.<sup>5</sup>

Though undoubtedly affected by the overall environment of American foreign policy, intelligence operations are very much influenced by the inertia that exists in the present organization for conduct of clandestine activities.

Insofar as intelligence organization and clandestine operations are themselves a cause of more operations, changing the intelligence structure may alter U.S. clandestine presence in international affairs. Because organization is but a cause among many causes, the expectation that great alterations could be achieved by merely considering organization might appear unfounded. Yet such change in organization would not occur in a vacuum. The Church and Pike Committee investigations and public attention given to CIA covert action may indicate that the other factors which bear upon the exercise of clandestine operations have changed or are in the process of changing. These shifts may or may not be sincere or enduring, but further concern for reform of the intelligence structure might add substance to the public questioning of CIA activity. Addressing intelligence and operations as a cause of more involvement goes hand in hand with scrutiny of intelligence operations as an effect of the general U.S. disposition to be active internationally. A more optimistic appraisal of the amount of change that might be triggered by reorganization is permissible. Organizational reform, proposed by this paper, could serve as a focus and concrete embodiment of general alterations in the U.S. predisposition to use covert action.

Since this paper does consider reform, it necessarily reflects a particular point of view with respect to the use of covert action and active U.S. international interference. Past conduct of covert action will be characterized as "overuse" or "extravagant", and the sense that the U.S. has done too much,

often serving dubious ends, permeates the text. This paper's proposal for reform, therefore, will seek reduced engagement in covert operations. Before initiating the main argument of the paper -- that the American globalism embodied in the structure of the CIA and use of covert action, causes more covert action -- it is necessary to outline a normative basis for desiring less U.S. involvement.

The first step in supporting a position favoring reduction in covert operations is to say that there is little wrong with many of the stated goals of U.S. interference. Many impulses which determine the extent of U.S. action owe their existence to legitimate values. Much can be said in favor of checking the spread of Communism, or at least in favor of halting the expansion of Soviet style Communism. Security is a quality that should be insured by some involvement in global affairs. International order is preferable to allowing wanton international interference by the Soviet Union, Cuba, or terrorist groups. And the spread of a respect for liberal democratic values is very much desirable. But a reduction in U.S. interference, particularly covert action, is necessary because simple observation reveals that U.S. actions often have not served such legitimate values. Salvador Allende may have been a Marxist, but he was also an elected leader. Abetting his assassination violated democratic ideals and therefore was illegitimate. (U.S. association with Allende's assassination also was illegitimate because assassination violates a higher sense of decency that must circumscribe all international action. It would be a rare

case indeed where assassination could be justified.) Directing a secret war in Laos did more to violate international order than it served to check the spread of Communism or to insure U.S. security. Too vigorous pursuit of legitimate ideals can result in transgression of those same values. Without sufficient caution in pursuing principles that may be legitimate in a theoretical sense, policies turn out to have no reasonable relation to the goals which they presume to seek. Such policies assume nonexistent abilities to bring about beneficial or moral change, and are not always able to realize their stated aims without doing inordinate damage themselves. The Arbenz government may have contained Communists and Mossadeq may have courted Communist factions; but the overthrow of whole governments is not justified by the eradication of such influences. Such lack of a reasonable connection between the means of action, or the damage incurred while acting, and the goals of U.S. policy calls for a reduction in the use of covert operations.

The question why any covert action should be allowed must be considered next. The answer lies in the fact that there are circumstances where the means of covert action do bear a reasonable relation to the legitimate goals noted above. Of course, when such goals can be pursued openly, they should be. But given that this is an imperfect world, it is evident that U.S. goals may run counter to desires of other nations, groups of nations, or groups within nations. The efficacy of open measures may be precluded by the specific circumstances of time and place when, in fact, the U.S. may have the capacity to effect some



good without violating a reasonable connection between means and ends. For instance, it may happen that there is one particular leader in a war torn African nation who could organize a working, peaceful government if he had secret access to \$500,000. It may be the case that the political circumstances prohibit his acceptance of an open American payment.<sup>6</sup> Yet the secret contribution may not be an unreasonable price when considered in light of the cessation of bloodshed and the restoration of international tranquility that might redound to U.S. benefit.

While the exigencies of conducting a foreign policy in conditions that may not be amenable to open action hint at the possible utility and need for covert action, they also portray what might be called a moral demand for covert action in particular instances. Clandestine operations may be the most reasonable means for dealing with certain international situations. Imagine circumstances where the sole alternatives to covert action are not the more traditional means of open diplomacy, but are acts of war or violence. Without recourse to covert operations, efforts to rescue people hostage to terrorist groups or lawless nations, for instance, might entail violence; or aid to a population suffering under a tyrant in Latin America might be possible only through military means. A not overly futuristic example could find the U.S. or some allied nation facing nuclear blackmail, which conceivably could be resolved in either open conflict or by some effective covert operation. In such instances, covert action may be the only reasonable method for achieving justifiable goals. Therefore, covert action may be a logical and

necessary recourse, and some capability for those operations should not be excluded.

## II. CIA: ADMINISTRATIONS' BABY

In order to avoid any misconceptions about the CIA's role in foreign affairs, it is of paramount importance to recognize that most of its major activities were desired, and, in most cases, supervised by the highest level officials in the government. Presidents, together with their cabinet appointees and primary aides, without exception, have turned to the CIA at one time or another for the fulfillment of tasks through covert action. The final responsibility for the CIA's activities and the ultimate source of the authority and scope of the Agency lie with each post-war, executive administration.

The mandate for the complete spectrum of CIA activities is said to reside in the National Security Act of 1947, in which the CIA was created. An examination of that document reveals that the CIA would advise the National Security Council (NSC) on intelligence activities; coordinate intelligence activities; coordinate, evaluate and disseminate intelligence; and perform, for other agencies, intelligence related matters that can be more efficiently accomplished centrally.<sup>1</sup> The authority for the conduct of covert, or simply general clandestine operations is not specifically delineated in the Act. The authority for such activities has been delegated to the Agency by the NSC under the clause which reads:

it shall be the duty of the Agency ... to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.<sup>2</sup>

Therefore, a wide range of CIA duties, particularly those constituting the broad spectrum of clandestine activities delimited by classical espionage at one extreme and subversion of foreign governments at the other, has been commissioned by the policy-makers who sit on the NSC. Although the flexibility granted the NSC in the National Security Act provides a semantic loophole for authorization of many activities by the CIA, it is evident that the executive went much further than Congress had intended. The lack of any mention of operations in the National Security Act and other supporting evidence lead to the conclusion that Congress did not mean to sanction covert action as it has been practiced for the last 30 years.<sup>3</sup>

William G. Miller, the Church Committee Staff Director and a man who probably has had as much access to CIA files and related congressional material as any other person, concluded:

there is little in the legislative history, in either committee, executive session, or floor debate of that time, that gives credence to the notion that Congress intended to authorize what is now the full range of covert action.<sup>4</sup>

Many legislators were completely ignorant of the question of covert action. Representative Fred Busby asked in 1947, "I wonder if there is any foundation for the rumors that have come to me ... that through the CIA they are contemplating operational activities."<sup>5</sup> Furthermore, Clark Clifford, one of the framers of the National Security Act of 1947, stated before the Church Committee:

Because those of us who were assigned to this task and had the drafting responsibility were dealing with a new subject with practically no precedence, it was decided that the act creating the Central Intelligence Agency should contain a "catch all" clause to provide for unforeseen contingencies. Thus it was written that the CIA should "perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."<sup>6</sup>

Clifford's testimony dispels the notion that the quoted clause was specifically intended to facilitate implementation of covert action, an idea often defended by those involved in the formulation of covert action.<sup>7</sup>

CIA operations, therefore, are defined by National Security Council Directives (NSCID's). These directives, through a process of accretion over the span of a generation, have established what is often called the "secret charter" of the Agency. Richard Helms, testifying before the Senate Committee on Foreign Relations about CIA operations in Chile, indicated the contractual nature of the NSCID's, while affirming the notion that ultimate responsibility for CIA action lies with the NSC. He stated:

the National Security directive ... is the document and the charge under which these activities are carried out ... the authority for these things ought to be made clear ... this isn't something that we just did on our own, we had an approval mechanism.<sup>8</sup>

All intelligence policy-makers have echoed the words of the CIA's most powerful director, Allen Dulles. He avowed that the CIA had not carried out any activities of a political nature, given any support to persons or movements, political or otherwise, without approval at the highest levels in government.<sup>9</sup> There are several specific examples which serve to suggest that this generally has been the case. In the absence of the NSCID's

themselves -- only a small number have been declassified -- the evidence for the prescription of CIA activities by the NSC must be culled from less direct discussions about the demands made upon the Agency and from some knowledge of the operations themselves. The instances that speak most directly to ultimate responsibility of top policy-makers for CIA actions are ones that depict the CIA as a reluctant but compliant operational arm of the executive.

David Phillips, now a retired CIA officer, testified before the Church Committee that the reaction in the Agency to the NSCID's on operations in Chile was not favorable. He stated that a typical reaction was: "My God, why are we given this assignment," and that initial reaction from the station in Chile was: "You're out of your mind. This is not going to work."<sup>10</sup> The fact that the Agency often was compelled to undertake missions with which it was not in agreement also is implied in William Colby's testimony before the Senate Armed Services Committee. The subject was Laos, where the CIA, in effect, had run a secret war by aiding the creation of an army of Meo tribesmen and by advising that force in its military operations. Colby testified:

These activities grew in size over the years to meet greater North Vietnamese and Pathet Lao pressure. The size to which these operations grew made it difficult to maintain normal intelligence procedures. Despite the difficulties for the CIA, I submit that the Agency fulfilled the charge given it effectively and efficiently.<sup>11</sup>

The implication obviously is that the Agency was merely an instrument in the hands of those officials assuming the responsibility for conducting foreign policy from the uppermost offices of the executive.

At times the CIA was utilized as such a malleable instrument for the designs of presidential administrations that the Agency's deference in accepting the burdens of action put to it might be characterized as approaching the absurd. Such a characterization would be acceptable, except for the fact that the activities in which the CIA engages have tremendously far-reaching consequences. Yet, the ease with which administrations established the CIA as a primary tool for the achievement of a multitude of conceivable goals remains. A particularly instructive scheme for top-level policy making is available in a reconstruction of a meeting at the White House on September 15, 1970. CIA director Richard Helms had been summoned for a conference with the President. Also present were John Mitchell and Henry Kissinger. The topic was operations in Chile, and the discussion must have been lively. Helms managed to take down a few notes.

1 in 10 chance, perhaps, but save Chile!  
not concerned risks involved  
no involvement of embassy  
\$10,000,000 available, more if necessary  
full-time job -- best men we have<sup>12</sup>

This meeting was the initiation of the supersecret "Track II" operations in Chile, designed to prevent Salvador Allende from taking office as president by promoting and encouraging the Chilean military to move against him.<sup>13</sup> Track II was run without the knowledge of the Ambassador to Chile, or the Departments of State and Defense.<sup>14</sup> The President and a handful of close advisors were able to mobilize the resources of the CIA while circumventing even the NSC as a whole, where the Secretaries of State and Defense sit. The Agency, being a particularly facile

tool for use by the national security organization, also could be cast in the role of special actor in operations by a more select few, who are able to restrict access to knowledge of certain CIA activities. Track II is an extreme example of the fealty of the Agency to those highest eschelons in government, and to the often insular judgements and perspectives commanding the CIA's entrance into covert operations abroad.

. The CIA occasionally has been driven to the limits of the law, in the strict, statutory sense of the National Security Act of 1947, while responding to the demands of officials invested with the authority to direct the Agency. An arrangement in 1966 between the FBI and the CIA opened the way for CIA involvement in internal, domestic security functions. In response to the persistent interest of the Nixon and Johnson White Houses in determining the extent of foreign influence on domestic dissidents, the CIA began collecting intelligence about American political groups.<sup>15</sup> The Rockefeller Commission Report concluded that the "Presidential demands upon the CIA appears to have caused the Agency to forego, to some extent, the caution with which it might otherwise have approached the subject."<sup>16</sup> This is merely a polite way of saying that Presidents and their influential councils compelled the Agency to break the law which states that "the Agency shall have no police, subpoena, law-enforcement powers, or internal security functions."<sup>17</sup> Ultimate responsibility for the greater part of CIA action, even its illegality, must be placed in the upper levels of executive administration.



### III. THE INSTITUTIONAL BIAS TOWARD COVERT ACTION

The record of CIA activities reveals that the Agency has not arrogated power and run amok without a mandate from elected administrations and their appointed advisors. The Agency has been fashioned and directed to fulfill the needs perceived by those officials charged with the conduct of foreign policy and national security affairs. In fact, the CIA has served too well. As a tool of the executive, it is too easily handled and too readily available for the execution of policies in the foreign arena, and even in domestic affairs. Therefore, the present state of the intelligence organization and its relationship to its administrative masters must be questioned in order to insure more judicious use of the Agency's covert capability. As long as the desire exists for a reduction in use of covert action, as well as a restriction of the allowable conditions for covert action, primary emphasis ought to be placed on evaluating and modifying the perceptions and beliefs of the top policy-makers. Those officials having the responsibility for the direction of the CIA must bear the greater part of the scrutiny for the extravagant implementation of clandestine abilities. A portion of the propensity to use the CIA's covert capabilities is determined by the bureaucratic-organizational orientation of the policy-makers to the intelligence community. Such an orientation is dependent upon, first, the organizational aspects of

the CIA itself -- its capabilities and adaptability for certain tasks. Second, it is dependent upon the mechanisms for communication between the policy-makers and the Agency -- upon how easily the Agency's potential can be tapped. Attention must be given to the reasons for the overuse of CIA operational ability which lie in the organization for formulation and execution of intelligence policies.

The way the CIA appears to officials responsible for final policy decisions promotes its use. The relationship between the policy-makers and the CIA is, in a sense, incestuous. The executive has been free to create, free to shape the Agency for its own purposes, and, in turn, the very organizational features created and shaped have influenced the executive in future relationships with the Agency. In this vicious cycle, initial tendencies toward official use of covert operations are reinforced. The fact that the CIA exists as it does allows problems to be thrust upon it; it will be asked to carry out policies because it is seen as an effective vehicle for that purpose.

There are particular qualities that are responsible for creating this demand. Administrators find the Agency an easy tool to use because it promises the "benefits" of secrecy; it appeals to the predisposition to attempt to do, to act, as opposed to being inactive; it contains and concentrates many resources which prompt administrative attempts at many goals; and between the Agency and those who desire action, there are few obstacles to the communication of that desire. Each of the

above categories, taken alone, can appear to be an innocuous attribute of an agency charged with intelligence duties. Secrecy is necessary for some uncontroversial intelligence functions. Action and the gathering of resources for action are unavoidable consequences of participating in the affairs of the world. Easy communication and response between an agency and high offices can facilitate the execution of well formed policies. However, each quality also has its disadvantages and unfortunate side effects, which will be enumerated. The combination of all these qualities in a particular kind of institution, like the CIA, creates pernicious tendencies for extravagant use of clandestine capabilities.

#### Background: CIA/NSC Structure .

The basic organizational aspects of intelligence serve as an important background for the visibility of the qualities which enhance the likelihood of covert action. The entire national security organization, of which the CIA and the NSC are the central entities, was created according to the principle later articulated in the report of the Commission on Organization of the Executive Branch of Government in 1949 (the first Hoover Commission). "Effective administration is not achieved by establishing by legislation the precise functions and membership of coordinating and advisory bodies within the executive branch."<sup>1</sup> As a consequence, the NSC, in the Church Committee's words, is "an extremely flexible instrument."<sup>2</sup> It has only four statutory members: the President, the Vice President, the Secretary of State, and the Secretary of Defense. If the

President wishes, others may be invited to attend NSC meetings, and, although not members of the NSC, the Director of Central Intelligence and the Chairman of the Joint Chiefs of Staff attend all NSC meetings as observers and advisors.<sup>3</sup> The President can create and abolish various subcommittees, including those of particular interest here -- the two subcommittees having direct intelligence responsibilities. The NSC Intelligence Committee, which was created in 1971, consists of subcabinet officials, including the President's Assistant for National Security Affairs and the Director of Central Intelligence. Its purpose was to present a forum for the viewpoints of the consumers of intelligence estimates and evaluations.<sup>4</sup> Under President Ford's reorganization, no successor for this subcommittee has been designated. The other subcommittee exercises control over covert operations, and has existed in some form since 1948. It was first called the Special Group, then the 303 Committee, the 40 Committee, and is now labeled the Operations Advisory Group. It is presently chaired by the Assistant to the President for National Security Affairs, and has as members the Director of Central Intelligence, the Chairman of JCS, and representatives from the Departments of State and Defense.<sup>5</sup>

The structure of the CIA itself is based upon the division of functions into what are called directorates. There are four major directorates within the Agency -- Intelligence, Operations, Administration, and Science and Technology. Each is headed by a deputy director who reports directly to the Director of

Central Intelligence (DCI). The Directorate of Intelligence evaluates, correlates, and disseminates foreign intelligence and collects information by monitoring foreign radio broadcasts. The Directorate of Operations, which was known as the Directorate for Plans, handles the clandestine collection, covert operation, and counterintelligence activities. The Directorate of Science and Technology conducts research and development projects relevant to intelligence collection and counterintelligence, and provides technical services and supplies for CIA operations.<sup>6</sup> The Directorate of Administration, formerly called the Directorate of Support, exercises all those functions implied in the word "administration" -- contracting, communications, medical services, personnel management, finance, and computer filing.<sup>7</sup>

The Director of Central Intelligence is the highest officer of the CIA, and is responsible for all those functions embodied in the four major directorates. The DCI also is charged with the function of coordinating the intelligence activities of government agencies and departments, and is the President's chief foreign intelligence advisor with responsibility for producing and coordinating national intelligence for senior policymakers.<sup>8</sup> It is important to note that the DCI fills two significant roles. He wears two hats; one as the commander of the CIA directorates, and the second as the nation's chief intelligence officer reporting to the President through the NSC. Because he deals with all intelligence activities of the other departments as well as with CIA business, he is a focal point of the entire intelligence organization. His peculiar position

and the structural relationships among the President and the NSC, committees of the NSC, and the directorates of the CIA serve as a skeleton for the institutional qualities which tend to create or reinforce an executive impulse to use covert action. The first of these qualities is secrecy.

### Secrecy

Secrecy, its necessity and usefulness, has always been identified with intelligence. However, regarding the whole of CIA activities, only a small percentage of functions can be categorized as truly secret. Allen Dulles wrote at the time of the creation of the CIA:

A proper analysis of the intelligence obtainable by ... overt, normal, and aboveboard means would supply us with over 80 percent ... of the information required for the guidance of our national policy. An important balance must be supplied by secret intelligence.<sup>9</sup>

Dulles was discussing, of course, only collection of intelligence and no operational activities other than those concomitant with clandestine collection. Covert action must somehow be added into his percentages. Still, the truly sensitive areas of the CIA's work, areas where there may be a legitimate concern for "protecting intelligence sources and methods from unauthorized disclosure,"<sup>10</sup> are the object of a small proportion of the CIA's capabilities. It is upon those capabilities, designed for use in sensitive activities, that policy-makers tend to seize. The secrecy inherent in them, for various reasons, appears to offer several advantages.

A reliance on covert policies has been a means to avoid the difficult questions associated with intervention in the

affairs of another country. It particularly solves the political problem of appearing to have too much to say and do with those affairs, the problem of appearing to be a bully.<sup>11</sup> The enticing potential exists to do something, to achieve some policy goal, without anybody recognizing the driving force behind a particular turn of events. By shielding the President and other senior officials from direct association with any events, the fact that operations are "covert" makes it possible to publicly deny responsibility,<sup>12</sup> especially if some foul-up should occur. The possibility of "plausible deniability" tends to make it easier for policy-makers to enter into operations that may be dubious in the first place. A realistic evaluation of potential benefits opposed to a calculation of the risks involved in a certain activity becomes difficult to make. For example, in an instance of policy-making previously cited, officials estimated that Track II operations in Chile had about a one in ten chance of success. They also were allowed the devilish assumption that they would not be held responsible for condoning the assassination of a foreign leader. Obviously, it is much easier to go through with a dubious operation if the outcome, success or failure, will not be known to anyone outside the operation itself.

Emphasis on secrecy in the conduct of particular operations eventually leads to exclusion of potential critics even at the policy formulation stage. People and organizations, even those in the executive branch, who are competent and available for comment on policy alternatives, tend to be barred from beneficial

participation in formulation of those operations labeled "sensitive." Therefore, secrecy brings with it the tendency to formulate policies constructed from perspectives which are accumulated in a rather parochial manner. Roger Hilsman wrote about an extreme example of the detrimental exclusion of various governmental entities in policy formulation, and the historical record illustrates the dire consequences of that exclusion. He noted that the emphasis on secrecy in CIA planning closed out rival advocates concerning operations in the Bay of Pigs.<sup>13</sup>

The Secretary of State was forced by ... CIA's excessive security restrictions to make a judgement without the benefit of advice from his own intelligence staff ... Robert Amory Jr., the DDCI, who was in charge of intelligence research and estimates, was also kept in the dark. This meant that the President was denied the judgement of CIA's own estimators on the research side of the organization.<sup>14</sup>

Hilsman had wanted to employ his staff in the State Department to critically evaluate the feasibility of using a Cuban refugee force against Cuba, a proposition that was generally in the air around Washington at the time. He approached the Secretary of State and was told not to do anything because "This is being too tightly held."<sup>15</sup> Apparently, the same thing must have occurred with the Directorate of Intelligence in the CIA. The secrecy in which the whole operation was cloaked placed the responsibility for judging the feasibility and desirability of a Cuban invasion upon a few individuals concentrated in the White House and the Directorate of Operations. It negated the possibility for obstacles, in the form of responsible debate by intramural institutions, to the implementation of covert operations.



It should be noted that the structure of the CIA, particularly the division between the Directorates of Operations and Intelligence, favors or, at least, facilitates the rejection of pertinent and useful analysis even from within the national security apparatus. The instance of excluding the Directorate of Intelligence from the plans concerning the Bay of Pigs is a startling example of the ease with which administrators may focus upon elements of decision making favoring covert action. Another example arises in connection with dirty tricks in Chile. The Church Committee concluded that covert action decisions on Chile were not entirely consistent with the intelligence estimates (NIE's) being produced by the CIA's Directorate of Intelligence. The Committee stated:

It appears that the Chile NIE's were either, at best, selectively used or, at worst, disregarded by policy-makers when the time came to make decisions regarding U.S. covert involvement in Chile. 40 Committee decisions regarding Chile reflected greater concern about the internal and international consequences of an Allende government than was reflected in the intelligence estimates. At the same time as the Chile NIE's were becoming less shrill, the 40 Committee authorized greater amounts of money for covert operations in Chile.<sup>16</sup>

Both secrecy and the organizational structure of the CIA can be seen to conspire against the inclusion of the capable, though passive, resources contained in the CIA's own intelligence and analysis division.

The fact that secrecy enshrouds the CIA's activities does not make a complete case for far-reaching reform of the intelligence community. Secrecy alone does not bring about poor policies or a reliance on clandestine operations. It is a medium in which preexisting qualities of thought and institu-

tional inclinations tend to be reinforced, or at best remain unchallenged. If secrecy were attributable only to an intelligence organization having responsibilities for making and breaking codes, it would be impossible to argue that secrecy could create pressures to catapult that organization into covert operations. But the CIA is an organization imbued with operational abilities and activist qualities. Secrecy tends to enhance those qualities and present them in a flattering light to administrators. The disposition of officials to approach problems in an activist frame of mind, with perspectives that favor action over inaction, is facilitated by the embodiment of similar qualities in the CIA and by the medium of secrecy in which those qualities may set to work. In describing the CIA orientation toward action, and recalling that secrecy enables policy-makers to freely chart any conceivable course of action, it becomes more evident how the present existence of the CIA favors use of covert action.

#### CIA Activism

The CIA necessarily reflects the administrative bias toward "getting things done," toward an activist orientation in problem solving. That orientation tends to enhance the inclination to enter into "operative" activities because, being born of an administrative disposition to meddle continuously in the affairs of the world, an active CIA exists for further seduction toward an activist frame of mind. Administrators could revel in the knowledge that, in Roger Hilsman's words, "[the CIA's] job was to smite our enemies, not to negotiate with them, or compromise

with them, or make agreements with them. It had the appeal of patriotism."<sup>17</sup>

The action orientation of the CIA, and how it affects U.S. foreign policy are revealed in a variety of ways. Leaders of the intelligence community, apparently reflecting the temper of the executive as a whole, embodied a sense of urgency in dealing with the problems in foreign intelligence. This was compounded by the feeling that U.S. intelligence was at a definite disadvantage with respect to its foreign counterparts. Allen Dulles wrote:

in our free society our defenses and deterrents are largely prepared in an open fashion, while our antagonists have built up a formidable wall of secrecy and security. In order to bridge this gap ... we have to rely more and more upon our intelligence operations.<sup>18</sup>

More recently, Deputy Secretary of Defense Ellsworth stated:

the very openness of our society already gives to the intelligence analysts of foreign powers a considerable advantage as they work to collect and understand our capabilities and intentions, as well as our vulnerabilities.<sup>19</sup>

The organizational perception of carrying an added burden in confronting "enemies" abroad is consonant with the observation that "impatience with sophisticated diplomacy and indirect political action follows from the fact that the enemy has many advantages in this game."<sup>20</sup> Therefore, officials turn to the CIA and its potential for ameliorating the perceived shortcomings of American foreign policy.

Administrators seek refuge from the troublesome and unwieldy machinations of traditional diplomacy in the comfort of the CIA's "realistic" approach to most problems. The Agency can be counted on to analyze the cold, hard facts of the world, and

automatically offer direct, tangible and substantive considerations on how to operate. The type of thinking that exemplifies the character of the Agency appeared in DCI William Colby's approach to a Board of National Estimates internal to the CIA. Colby replaced the Board with a system of eleven national intelligence officers, each responsible for a particular geographical or functional specialty. His rationale for the more individualized responsibility was:

I have some reservations at the ivory tower kind of problem that you get out of a board which is too separated from the rough and tumble of the real world. I think there is a tendency for it to intellectualize and then write sermons and appreciations.<sup>21</sup>

Such thinking epitomizes the CIA's tendency to formulate or be receptive to programs with active orientations. Reflective attitudes or other passive responses (for example, merely collection of intelligence) seem to be rare amid the rush to get something done. During the Senate hearing on the nomination of William Colby to be DCI, it was noted that "there is no record of an officer being promoted because he recommended the termination of a useless project."<sup>22</sup> That is, once the Agency gets rolling in an operation, it tends to continue or enlarge the scope of its activity. Action tends to breed more action and create pressures for greater involvement in covert activities.<sup>23</sup>

The Church Committee concluded that "the tendency of intelligence activities to expand beyond their initial scope is a theme which runs through every aspect of our investigative findings."<sup>24</sup> Clandestine activities, even the relatively harmless business of collecting intelligence covertly, have consequences that tend to make CIA presence "operational." From

that point, the disposition of policy-makers to expand the scope of CIA presence dominates policy decisions. A prime example of the process of escalation of collection to dirty tricks is discussed in the Church Committee Staff Report -- Covert Action in Chile. The report noted that development of "assets" for information within the Chilean military necessarily created ties with the group most likely to overthrow Allende.<sup>25</sup> Eventually, those links to the Chilean military were seized by officials directing the CIA from the White House in formulating Track II operations.<sup>26</sup>

The structure of the CIA, particularly the role played by the DCI, facilitates an emphasis on the operational aspects of intelligence. The work of Anne Karalekas in another supplementary report to the Church Committee argued that the coordinating responsibilities of the DCI in the intelligence community are not supported by the requisite authority to carry them out, and that coordination tends to take a back seat to operations. She noted that the executive was given an opportunity to push for an enhanced role of the DCI for the entire intelligence community, possibly reorienting the Agency somewhat more toward the duties specifically stipulated in the National Security Act of 1947. (i.e. those charges delineating the DCI's advisory and coordinating capacities and not the duties assigned over time by the NSC, which were unmentioned in the Act.)

Nixon chose not to request Congressional enactment of revised legislation on the role of the DCI. This ... limited the DCI's ability to exert control over the intelligence components. The DCI was once again left to arbitrate with no real statutory authority.<sup>27</sup>

As a consequence, the CIA reflects the relative disinterest of

administrators in the coordinating capacities of the Agency, as opposed to their affection for the CIA's operational potential. The inequality in preference for particular aspects of the Agency's abilities eventually focuses upon the stature of the Directorate of Operations as it compares to the Directorate of Intelligence. Analysis and evaluation do not seem to enjoy the respect given the operational side of the Agency. It is important to note that every CIA director who has risen from within the Agency itself has been elevated from the Directorate of Operations. Administrators prefer the activist nature of that directorate and, in Arthur Schlesinger's words, "no doubt imprisoned in every President there is a James Bond signaling to be let out."<sup>28</sup>

#### The Size and Resources of the CIA

Secrecy and the inclination to be active combine with yet another attribute of the CIA to make possible use of covert action on an inordinate scale. The Agency is immensely capable; it concentrates a multitude of resources for translating the inclination to act into substantive programs. The availability of those resources is an open advertisement for administrators to make use of them. Money begs to be spent, and people need to be put to work. The secretive and activist aura which envelops the CIA does nothing to inhibit the display of its great ability and the temptation to make use of it.

The CIA has the resources, the people, equipment and money to engage in the full spectrum of activities associated with participation in foreign affairs. At one extreme, it collects

raw intelligence; it buys books and journals. At another extreme, it wages war; it conducts invasions (Cuba) and air raids (Laos). In between, the CIA has the ability to contact and influence foreign officials in a manner associated with the State Department or by funneling money and supplies to individuals. A complete discussion of the enormity and multifaceted nature of the CIA's capacity is beyond the scope of this paper, but it is possible to suggest the magnitude of the Agency's potential for action with a few examples. Then, it can be postulated that the presence of great capacity, within a structure of secrecy and activist inclinations, creates pressures for realization of that capacity in covert action.

The CIA budget is a general indicator of the huge resources that the Agency commands. The intelligence community as a whole<sup>29</sup> has an annual budget of about \$6 billion.<sup>30</sup> Most estimates of the CIA portion of that budget hover around 20%; or the CIA consumes about \$1 billion of the total.<sup>31</sup> The larger part of the funds is allocated to the clandestine side of the CIA. The Agency uses about two thirds of its money for operations -- a proportion that has been relatively constant for 10 years.<sup>32</sup> The availability of this amount of money tends to propel the Agency into many activities. Roger Hilsman noted with dismay that because the CIA had a grip on a large amount of funds, it found itself performing functions that would ordinarily fall under State Department jurisdiction.

CIA became involved in many activities ... considered to be outside its legitimate purview at the urging of other agencies, such as the State Department, who would

normally be responsible for the activity but whose budget did not provide for it.<sup>33</sup>

Hilsman went on to say that even a large program within the State Department for producing National Intelligence Surveys was dependent upon the CIA for about 40 percent of its budget. He stated that "the State Department did not have the money, but the CIA did."<sup>34</sup>

CIA resources are present throughout the globe. Beyond the scope of men and equipment directly employed by the Agency, numerous, so-called proprietaries are at the CIA's disposal.<sup>35</sup> The vastness of CIA presence can be suggested merely by noting the size and distribution of its air proprietaries. Marchetti and Marks stated that

the CIA is currently the owner of one of the biggest -- if not the biggest -- fleets of "commercial" airplanes in the world. Agency proprietaries include Air America, Air Asia, Civil Air Transport, Intermountain Aviation, Southern Air Transport, and several other air charter companies around the world.<sup>36</sup>

Control of these companies enabled the CIA to supply and fly planes in their secret war in Laos,<sup>37</sup> as well as in other operations during the past thirty years.

CIA capacity also includes the ability to display its usefulness to policy-makers. That is, the CIA not only contains immense resources which tend to be viewed by the executive as available for use in covert policies, it also has the personnel to see that the perspectives which promote implementation of covert potential are presented in policy formulation. Roger Hilsman again shed some light on this subject.

Where the State Department ... at one time had three people on its Laos desk, the CIA had six. This meant



that the CIA could always afford to be represented at an interdepartmental meeting, that it could spare the manpower to prepare the papers that would dominate the meeting, and it could explore the byways and muster the information and arguments that gave its men authority at those meetings.<sup>38</sup>

Ability in the field, ability in presenting the activist alternatives within the machinery of policy formulation, the original inclination to act, and secrecy can all be seen as conspiring to facilitate abundant use of covert operations.

#### CIA Access to Policy Officials: Policy Exposure to Operations

The relationship between the policy-makers, the President and the NSC, and the CIA is carried on in an intimate setting. The Agency reports directly to the NSC or to the President, depending on the individual style of each administration. As a result, lines of communication are short and direct, and they rapidly and continuously reinforce any inclinations to engage in covert activities. All the other qualities which facilitate use of covert action are magnified by the close interaction of the Agency and the executive.

Generally acknowledged not to be a policy making organization, the CIA is nonetheless ubiquitous in its presence at many levels of national security policy formulation. Its representatives sit on 15 interagency subcommittees to "coordinate" the intelligence community, and the DCI sits on all seven committees of the NSC and is present at all meetings of the NSC itself. Most important to keep in mind about the DCI's role on these committees is the fact that he invariably acts as the chief intelligence officer of the nation in a coordinating

capacity, and he also is the head of the CIA. Therefore, the DCI exposes the availability of the Agency for covert operations whether he is present at a meeting as an advisor on intelligence, as a coordinator for the intelligence community, or as the commander of the CIA. The consequences of such an organization were noted in a discussion by Marchetti and Marks. The topic is a policy session concerning operations in Africa in 1969.

As the President's principal intelligence advisor, his function is to supply the facts and the intelligence community's best estimate of future events in order to help the decision-makers in their work. What Helms was saying to the NSC was entirely factual, but it had the effect of injecting operations into a policy decision.<sup>39</sup>

"Inject" may be too forceful a word, but one gets the sense that an adjunct to high level representation of the CIA is a great amount of exposure for the operational abilities of the Agency. The cards are stacked in favor of covert action.

Pressures from above often compel the Agency to present its estimates and to make itself available for action in a manner consonant with administrative inclinations already present. One particularly blatant example of such browbeating appeared when DCI Helms deleted a paragraph in the Board of National Estimates' draft on Soviet strategic forces after an assistant to Secretary of Defense Laird told Helms that the draft contradicted the public position of the Secretary.<sup>40</sup> Testimony taken before the Church Committee also revealed that, in a pinch, the CIA would be just as malleable as was necessary to retain the interest of the higher ups.

When intelligence producers have a general feeling that they are working in a hostile climate /referring to going against the grain of their bosses/ what really happens is

not so much that they tailor the product to please, although that's not been unknown, but more likely they avoid the treatment of difficult issues.<sup>41</sup>

Richard Helms responded to questions from the Committee in a similar manner, stating, "One does not want to lose one's audience."<sup>42</sup> The CIA's willingness to please and the policy-maker's reliance upon the Agency for aid in policy decisions combine to reinforce any original perspectives on the use of the Agency's abilities.

The combination of immense capability and short, direct, secret lines of communication to the sources of highest authority is an anomaly in a nation predicated upon specific forms for government -- on laws and procedures. The intimate relationship between the executive and CIA embodies all the qualities that do not exemplify the tradition of tempering the enactment of policies with procedural checks, checks that could enable the CIA and the executive to escape their cycle of inducing one another into agreement with covert operations. Acknowledging the fact that much business in government is conducted informally -- Senate committee papers on government operations at the Presidential level argue for a required "flexibility" in NSC business and for the ability to adapt the bureaucratic machinery to a Presidential "style"<sup>43</sup> -- there is all the more reason to be suspicious of transactions conducted with a powerful and secretive organization. The fact that covert action approvals from the 40 Committee were regularly obtained over the phone illustrates the ease with which executive desires may be realized through expedient response from the CIA.<sup>44</sup> The danger in placing a

capable and secretive agency within the direct influence of those with the most authority is most succinctly summarized in Richard Helms' comment referring to the limited aid the CIA gave Mr. Hunt for the Watergate break-in -- that "when the President's Chief of Staff speaks to you, one obviously assumes that he is speaking with authority."<sup>45</sup> If activities that the CIA performs are indeed necessary, care should be taken to erect an organization that tempers the combination of secrecy, capability and informal directness in the lines of command. The present organization magnifies rather than mitigates that combination. The notion of the Presidency as a "best sanctuary" in which the intelligence apparatus could operate has proven false. Richard Helms stated:

I thought that when Congress in the National Security Act of 1947 set up the Agency and had it report to the National Security Council, which is to report to the President, that that would give it the sanctuary it needed from all of the pressures around Washington, either from the State Department, the Defense Department, or anybody else who wanted to pressure its estimates, its analyses, and so forth.<sup>46</sup>

Mr. Helms mistakes the lion's den for a sanctuary. The proximity of the CIA to the highest authority, from the outset, made possible the creation of an organization available for the whims of the executive. Once created, that proximity has enabled the perpetuation of the congenial and mutually reinforcing relationship between the CIA and its masters. Few obstacles bar the two-way communication of the desirability and feasibility to enter into covert action.

#### IV. PROPOSALS FOR REFORM: INADEQUATE

Several types of reform of the CIA and the intelligence community have been proposed. Not all have as their express purpose the reduction of U.S. secret interference in the affairs of other nations. The proposals which do have such a stated purpose, or are championed by some as nonetheless fulfilling that purpose, face two problems. They first must be able to mitigate the institutional qualities of the CIA which tempt the executive to use covert operations. Second, they must maintain executive command and responsibility for the covert action which is necessary and desirable. Only the highest authority should exert effective and direct policy controls in the special instances of secret political intervention. To say that the proximity of the CIA to those officials having the greatest authority creates pressures for implementation of the Agency's abilities is not to say that the CIA should be beyond the reach of the executive. Such a conclusion would make possible an even more pernicious state of affairs with the CIA running loose, or being controlled and directed only by lesser and possibly more adventurous officials. Therefore, the desire to alleviate the Agency's tendency to feed the executive imagination creates a tension with the desire to maintain Presidential responsibility for covert operations. The resolution of this tension and a solution to the CIA's appetizing appearance for use in covert action is not an easy task.

In fact, the challenge is rarely met head on. Most proposals for change seem to concede to the desire for executive control before they address the necessity for mitigation of the institutional qualities which favor covert action. As such, the proposals usually are embellishments or minor alterations of the present state of the intelligence apparatus. Though some may represent a step in the right direction, their impact is minimal and the qualities that enhance the likelihood of covert action largely remain intact. The poverty of these proposals illustrates the need for a more basic reconstruction of the CIA and its relationship to the executive.

#### Congressional Oversight

Congressional oversight has been hailed as a panacea for the ills of the intelligence community. On the contrary, it is only a necessary but not sufficient step toward alteration of the CIA in order to rid it of the tendency to spawn or nurture the notion of covert action in the policy-making mind. Its immediate benefit is that it appears to strike at one of the qualities favorable to implementation of covert operations. Oversight reduces secrecy by allowing more people to join the review of policy; or so it appears. But even before its effect upon secrecy can be evaluated, there is the problem of getting oversight established as a strong, functioning entity in the first place. Congressional difficulty in creating effective oversight chastens a belief in oversight as a remedial influence on secrecy.

Although currently there are seven congressional committees with the power to investigate intelligence activities and to

receive intelligence briefings, the abundance of investigative groups is an indication of the weakness rather than of the strength of congressional oversight. No one is more aware of this fact than the Congressmen themselves, though they have not been able to get together to improve it. Representative Robert Drinan stated before the Senate Armed Services Committee:

In the last 2 decades more than 200 bills aimed at making the CIA accountable to Congress have been introduced. None has been enacted ... a recent attempt ... came on July 17, 1972, when the Senate Foreign Relations Committee reported out a bill requiring the CIA to submit regular reports to congressional committees. That bill died in the Senate Armed Services Committee.<sup>1</sup>

His statement points to three difficulties in creating effective oversight. The first is the fact that he is a representative castigating a Senate committee for its poor record on oversight. The division between House and Senate has not been resolved on the oversight issue yet. Second, Drinan noted the conflict within the Senate itself. The jurisdictional issue in the Senate as to whether the Armed Services Committee should share its responsibilities as the parent committee of the CIA with the Foreign Relations Committee has put the CIA and the question of review and control in the crossfire between contending chairmen in Congress.<sup>2</sup> Third, even when the impulse to create effective oversight is allowed to surface, bills embodying such efforts simply never get passed.

Because Congress has difficulty in establishing oversight, its willingness to assume that role must be severely questioned. There may be a deep seated reluctance to shoulder the responsibility of oversight. Senator Howard Baker suggested such a

notion by stating, "I think it is important to realize that covert action cannot be conducted in public ... we cannot approach covert action from a public relations point of view."<sup>3</sup> Senator Barry Goldwater went even further and refused to sign the final Church Committee report.<sup>4</sup> Congressional disinclination to seize the reins on the CIA probably is the result of many factors. One of the primary reasons is contained in a few incisive remarks by Richard Helms before the Senate Foreign Relations Committee:

... if you had known about the Bay of Pigs before it happened ... what would it have looked like when you were asked to admit did you know about the Bay of Pigs, were you involved in it, and did you approve it ... Would you really want to go back to the electorate and say: "Yes, I was the fellow who approved operations which were going to cause trouble in a foreign country."<sup>5</sup>

It appears that Congress as a whole would like to answer Mr. Helms, "No," even in the face of their ultimate constitutional responsibility for committing the U.S. to major foreign policy adventures, like that of sending troops abroad.

If the assumption is made that Congress will overcome its jurisdictional disputes and its apparent reluctance to take on the extra responsibility of oversight, the final effectiveness of even a well organized joint Senate-House committee is questionable. After overcoming intramural squabbles and the initial congressional inertia on oversight, the new committee or committees will still be faced with the CIA. The Agency and its ability to foster a reliance on covert action are a lot to handle with simply a board of legislative reviewers. Any oversight committees will be far the weaker of the two structures for control



of the CIA; the executive overshadows it immensely. Oversight alone cannot annul the wedding of the executive to its operational arm in the CIA.

Legislative committees will have to deal with the possibility that the executive and Congress will hold divergent perspectives on the precise function of oversight. A congressional notion of oversight as control is not of necessity consonant with executive ideas on the function of legislative oversight. For example, Deputy Secretary of Defense Ellsworth revealed the essentially passive role which the executive would assign a joint congressional oversight committee. In his remarks before the Senate Armed Services Committee in 1976, he said a joint congressional committee

would be beneficial to everybody in the Government and to everybody in the intelligence community, because of the fact that it would improve and increase, presumably the public's confidence, and therefore support, for necessary information gathering functions.<sup>6</sup>

In other words, one way in which the executive looks at oversight is from a public relations perspective. Oversight imparts at least an aura of respectability to intelligence activities, which the executive sorely would like to maintain. No doubt oversight would solve some of Congress' public relations problems, in that representatives could tell their constituents that they have taken steps to control the CIA. But oversight conceived as public relations does not penetrate complete executive control.

Because executive and congressional conceptions of the purpose of oversight are not necessarily consonant, the value of such review inevitably will be reduced. The executive will

be tempted to exclude the Congress on issues it deems most important, invariably the issues most likely to lead to covert action. Congressional oversight will run headlong into the type of thinking epitomized in Clark Clifford's memo to President Kennedy on October 25, 1961.

... efforts are made in Congress to initiate investigations of intelligence activities or establish a joint congressional committee on foreign intelligence. Such efforts must be stoutly and intelligently resisted for they could seriously hamper the efficient and effective operation of our intelligence activities.<sup>7</sup>

Clifford's comments opposed the establishment of legislative control, but it is evident that even after some structure for oversight is created, the executive will be inclined to put up some resistance. It is equally obvious that the executive has at its disposal many means for avoiding the Congress; the secrecy that oversight promises to mitigate is not easily penetrable. In 1970, an Intelligence Evaluation Committee (IEC) was revitalized in order to coordinate intelligence on domestic dissidence.<sup>8</sup> The Chief of Counterintelligence was the CIA representative to the committee and the Chief of Operation CHAOS had a primary role on the committee's Intelligence Evaluation Staff. The committee and its staff illustrate the ability of the executive to exclude the legislature on issues that it knows are sensitive (for example, the use of the CIA in internal, domestic functions embodied in CHAOS). The IEC was not created by executive order. In fact, according to the minutes of the IEC meeting on February 1, 1971, John Dean, a White House representative, said he favored avoiding any written directive concerning the IEC because a directive "might create problems of

congressional oversight and disclosure."<sup>9</sup> Where the executive wants to deny Congress current knowledge of particular intelligence activities, the Congress is in no position to wield the leverage necessary to pry into the recesses of White House policymaking. It is at the mercy of those little, though important, wiles depicted in John Dean's formula for fending off congressional knowledge of, or involvement with the IEC.

If the White House is at all reluctant to concede to Congress on questions concerning executive privilege, it is bound to be most adamant in relation to intelligence. Allen Dulles wrote wistfully of the British system for delineating the executive jurisdiction over information:

the theory of privilege, that all official information belongs to the Crown and that those who receive it officially may not lawfully divulge it without the authority of the Crown ... seems sound.<sup>10</sup>

Where congressional desires clash with such a concrete assertion of executive privilege, it is not assured that Congress will be able to wrest any useful, necessary information or win executive compliance in order to achieve effective oversight. The problem has been vividly revealed during the Church Committee investigations of past intelligence activities. (Imagine a ten-fold increase in difficulty gaining executive compliance on present operations.) Secretary of State Henry Kissinger and CIA Director William Colby simply boycotted all the covert action hearings, and the committee had to accept the rebuff.<sup>11</sup> Where the CIA did cooperate with the Church Committee, the bad taste of futility in attempting to subordinate the Agency even to a committee with a broad investigative mandate remained. A staff member of the

Committee stated:

Those guys really knew what they were doing. I think they defended themselves just like any other agency would, except they're better. They had a whole office set up to deal with us, and I sometimes had the feeling that they ran operations against us like they run them against foreign governments. It was like the CIA station for the Congress instead of for Greece or Vietnam.<sup>12</sup>

Some of the abilities that make the CIA a handy tool for the executive in foreign policy can be used to thwart the aims of oversight. As a last resort, if the CIA cannot avoid appearing before congressional committees on relatively equal ground, it appears that CIA personnel, as representatives of the executive, have been instructed to feel no compunction for failing to adhere to the truth. Senator George McGovern asked Richard Helms if the Agency felt it had the right or an obligation to mislead congressional committees. Helms responded by referring specifically to questions on Chile that the Senate Foreign Relations Committee had asked him previously. He said, "I felt obliged to keep some of this stuff, in other words, not volunteer a good deal of information."<sup>13</sup> Where the executive and Congress lock horns on knowledge of intelligence operations, the Congress is at such a disadvantage that the prospects for meaningful control by the legislature are dim.

Imagining the most ideal circumstances for the exercise of congressional oversight -- a legislature with a unified purpose in controlling the CIA and an executive willing to accede to most congressional demands -- the usefulness of oversight is still disputable. It does not even begin to address three of the four salient CIA attributes that greatly facilitate the use of covert

action. Nothing is done about the activist disposition of the Agency and its allure to policy-makers. The same can be said for the CIA's great capacity easily available to the executive. Even the hope that oversight would lessen the secrecy which envelops policy formulation and makes way for covert operations is a dubious proposition. Senator Clifford Case astutely recognized the likelihood that congressional committees would be drawn into the circle of secrecy rather than serving to penetrate that secrecy. He asked Richard Helms:

Do you have any comments as to how we can have a congressional ... surveillance organization dealing with covert activities, which by their nature have to be kept secret? ... just how do you resolve this dilemma in your mind. I have been very skeptical of an oversight committee because I can't see what good a committee does if it can't tell what it knows.<sup>14</sup>

Such skepticism has been borne out by past experience. Throughout its life span, the CIA has reported to the Armed Services Committees and the Appropriations Committees of the House and Senate. Allen Dulles wrote in 1963 that he did not recall "a single case of indiscretion that has resulted from telling these committees the most intimate details of CIA activities."<sup>15</sup>

Several hundred covert operation projects later, the tendency to initiate covert action remains unchanged by such congressional participation. Congressional involvement does not alter the secret nature of CIA planning; rather, it only widens the scope of secrecy somewhat. Congress has been in on the Agency's covert action, if only by sharing information. Hence, Congress is responsible for the magnitude of such action in more than the simple sense of allowing the CIA and the executive complete freedom to

act. Senator John Sparkman noted:

I think we must be very careful to avoid the idea that covert activities in foreign countries is something totally unknown to us. We have known of it ... I do not think that we can just shake our heads and say, "The very idea of covert action in that country."<sup>16</sup>

Congress has exercised some sort of oversight of the CIA, but the results obtained from that involvement are not promising for the future effectiveness of congressional control.

It may be argued that the uproar over Watergate and the astounding revelations of the Church Committee investigation will alter the Congress' orientation toward the CIA; that circumstances will compel the legislature to achieve meaningful control of the Agency. The very notion of the need for some galvanizing influence upon the legislature belies the possibility for continued restraint of covert operations by the Congress. Even the Church Committee's investigative work lost its vigor in mid-task and ended rather anticlimatically. One staff member noted, "We tended to say that most of the hard questions should be studied."<sup>17</sup> No guarantee exists that congressional oversight will not fall to that complacent condition depicted in the words of Allen Dulles: "I have found little hesitation on the part of Congress to support and finance our intelligence work with all its secrecy."<sup>18</sup>

Congressional oversight is not the answer to overuse of the CIA's covert operational potential. The notion of the legislature as a solid and consistent restraint upon the CIA is flawed from the outset. Compounding the fact that Congress is not a body uniformly in favor of opposing the executive desire to

initiate covert action is the realization that the executive by no means must pay homage to congressional oversight. The executive also has many devices for avoiding Congress where it may desire to do so. Finally, congressional oversight addresses but one of the four basic qualities of the CIA and the intelligence structure that facilitate use of covert action. It is doubtful that the one which oversight does promise to minimize -- secrecy -- is very much affected at all. Oversight is necessary as a means for the Congress to assume its constitutional responsibility for questions of war, even when submerged in covert intervention, and of entering alliances, even when embodied in clandestine aid to groups in foreign nations. Oversight allows the legislature to be informed on such questions, or at least offers the possibility to be informed, but unfortunately it does not vitiate the tendency to implement covert action, to create the submerged questions of war and alliance in the first instance.

#### Executive Controls

For many, the alternative or complement to congressional oversight is a reliance on executive, "in house" solutions to the problem of the CIA's instigation of covert operations. In light of the qualities of the CIA that make it so eligible for covert operations, these alternatives are not effective. The full panoply of recommendations for establishing control or restraint in the executive branch -- legislation of oversight responsibility to the NSC, inclusion of the Attorney General on the NSC, establishment of an operations advisory group to comment on and approve all covert activities, creation of a special committee on foreign

intelligence to advise the NSC, rejuvenation of the President's Foreign Intelligence Advisory Board, audit by the Office of Management and Budget -- is not adequate in that it fails to address the basic CIA attributes which facilitate implementation of covert operations. Such proposals are a step in the right direction only because they attempt to harness the influence of the Agency. However, the "in house" solutions actually are no more than embellishments or variations on the prior theme of policy's attachment to covert action.

Internal audit has been said to be a key to monitoring and controlling the activities of the CIA. The theory is that the Office of Management and Budget (OMB) can watch where all the money is flowing -- to various programs, overt and covert, operational and analytical -- and therefore enable the executive and Congress to know how much and in what sort of activities money is spent. A diminution of CIA clandestine operations cannot be aided by audit, because the OMB is itself embedded in the executive. As such, it is in an odd position of checking up on its boss, and its boss may choose to keep it as weak and ill informed as is necessary. Marchetti and Marks indicated the debility of the OMB even for monitoring CIA activities.

Its International Affairs Division's intelligence branch, which in theory monitors the finances of the intelligence community, has a staff of only five men: a branch chief and one examiner each for the CIA, the NSA, the National Reconnaissance Office, and the DIA (including the rest of military intelligence). These five men could not possibly do a complete job in keeping track of the \$6 billion spent annually for government spying, even if they received full cooperation from the agencies involved -- which they do not.<sup>19</sup>

The OMB's weakness in the intelligence field is a function of the



backing it gets from the executive, which is evident in the amount and quality of the cooperation the intelligence agencies are directed to offer. The notion that the various agencies are allowed to resist intrusion by the OMB is epitomized in a letter to the Armed Services Committee by Deputy Secretary of Defense Ellsworth. He was discussing budget disclosures on Defense intelligence activities.

It is not a matter which can be debated in public without ... doing the very damage which the policy of non-disclosure is designed to prevent ... it is absolutely necessary to rely on the informed judgement of the President and those to whom full knowledge of these extremely expensive and sensitive systems and programs has been entrusted.<sup>20</sup>

The executive is able to grant itself immunity from the rigors of audit on intelligence operations. Ellsworth's assertion of a principle of non-disclosure often is crystallized in specific instances. Marchetti and Marks discussed a CIA program into which the OMB wished to probe:

the OMB examiner wanted to look into how the money was being spent ... Helms promptly called a high White House official to complain that the OMB was interfering with a program already approved by the 40 Committee. The White House, in turn, ordered the OMB to drop its inquiry.<sup>21</sup>

Internal audit can contribute little toward restraining the CIA's entrance into covert action. It stands outside the formulation of policy, hence the overriding influence of the 40 Committee. The OMB lacks the ability to affect any of those qualities which prompt use of covert action, and it invariably must respond to the executive demands to keep out of sensitive operations. Those operations are often ones which embody the full range of covert action.

In an effort to obtain impartial, outside review of intelligence operations, some have suggested reliance on a "committee of experienced private citizens, who shall have the responsibility to examine and report to the President periodically on the work of Government foreign intelligence activities."<sup>22</sup> The function of this board, called the President's Foreign Intelligence Advisory Board (PFIAB), in no way alters the basic configuration of the CIA's ability and position, and therefore the CIA's allure for injection into covert operations. The past performance of the PFIAB has been characterized as that of a "polite alumni visiting committee." It had no more than a tiny staff and normally met about two days a month.<sup>23</sup> During President Eisenhower's tenure in office, the Board met a total of nineteen times or about once every two and a half months.<sup>24</sup> The Board currently exists in President Ford's reorganization of the intelligence apparatus but, as before, the members are busy men preoccupied with primary careers. Thus, they are susceptible to being overwhelmed by the more able, more informed CIA personnel whom they are supposed to be monitoring.<sup>25</sup> The PFIAB is best viewed as a fine tool for use in such circumstances which compelled its recreation in 1961. Then, it was called upon to review an intelligence blunder, the Bay of Pigs, after the fact. Prior restraint cannot be exercised by the Board. To hope that it can have great effect is to place a feeble cap on an intelligence organization distorted in favor of utilization of operational capacity.

A large portion of the remaining recommendations for reform, chiefly from the Church Committee, pertain to the NSC and its

intelligence committees. To the extent that the proposals rely upon these committees to restrain use of covert action, they invest their hopes for reform in what has been part of the problem. The notion of the executive, the NSC, restraining itself is a strange, if not unrealistic idea. Obviously, such proposals are manifestations of the wish to retain Presidential responsibility for covert operations, but they do so by leaving intact the administrative propensity to use the CIA's clandestine, operational ability. The proven fact that the NSC, or Presidential administrations in general, have instigated, desired or been lured into using covert action lies unchallenged by channeling reform within essentially the same national security structure. Such recommendations can have only minimal influence in establishing a permanent disinclination to use covert action, and they are consonant with past procedures which have led to extended use of covert action.

The Church Committee followed an interesting course by recommending some alterations in the representation of the various departments on intelligence committees. It suggested that the Secretary of State should be a member of the Committee on Foreign Intelligence which serves to coordinate and allocate intelligence resources. The committee also recommended:

By statute, the Attorney General should be made an advisor to the National Security Council in order to facilitate discharging his responsibility to ensure that actions taken to protect American national security in the field of intelligence are also consistent with the Constitution and the laws of the United States.<sup>27</sup>

The latter recommendation pertains more directly to domestic intelligence than to restraint of covert action, but, together

with the proposal for representing the State Department on the CFI, it illustrates the enervated nature of reform through a mild reshuffling of committee representation. (Such alterations will stand in sharp contrast to a cogent proposal for eliminating from policy formulation direct representation of officials responsible for executing covert operations.) Currently there are thirteen individuals<sup>28</sup> who sit on the NSC and its seven committees.<sup>29</sup> The national security community is run by a small group of high officials; this is probably necessary. However, the size of this group reveals that the addition of one representative to a particular committee has little effect because the representative usually is present on one or more other committees.<sup>30</sup> Alterations in perspective on the use of covert action cannot be achieved by a little mix up of the same policy-makers. It also is important to remember that the organization is flexible and individuals may attend committee meetings where they are not formal participants. Recall that the Attorney General was present at the meeting with the President when Track II operations were initiated. The addition of the Attorney General to this committee, the Secretary of State to that committee, or the addition of any individual to a committee is practically irrelevant to reorienting intelligence away from covert operations.

The Church Committee continued with a battery of recommendations which seeks to enhance the power of the DCI as the coordinator of national intelligence. The Committee suggested that, "by statute, the DCI should be established as the President's principal foreign intelligence advisor, with the exclusive respon-

sibility for producing national intelligence for the President and the Congress."<sup>31</sup> This recommendation is supported by proposals granting the DCI authority for establishing intelligence requirements for the entire intelligence community through budgeting and general guidance. The target of the Committee's recommendations here is increased effectiveness and efficiency of the intelligence community and not the reduction of covert operations. However, these recommendations bear on the problem of covert operations because they pertain to the stature of the CIA, in the person of the DCI. Because of the proximity of the CIA to the NSC and the President, particularly because of the dual nature of the DCI's responsibility as chief national intelligence officer and head of the CIA itself, to enhance any powers of the DCI must of necessity carry with it the possibility of granting more stature to the operational side of the Agency. There has to be a conflict between the desire for complete, effective intelligence and the desire to attenuate the operational aspects of intelligence. It appears that the conflict is irresolvable within the current organization that demands that the DCI wear two hats. President Kennedy hoped to be able to deal with the problem following the Bay of Pigs. He wanted to redirect the thinking that had led to the disastrous operations in Cuba at the expense of accurate analysis.<sup>32</sup> Roger Hilsman recalled the attempt made to achieve that change.

When John A. McCone took over as Director of Central Intelligence, the President did tell him to keep the two hats clearly in mind and to make as much distinction as he could. But nothing really came of it.<sup>33</sup>

Without a basic organizational alteration in the command of the

intelligence community, attempts to improve performance in one area harbor the tendency to increase the stature of operations. Granting the DCI, in his current position, more authority for coordinating national intelligence eventually will work at cross purposes with a necessary moderation of CIA operational attraction.

Where recommendations are directed at the structure for the command and control of the CIA, they merely amount to canonization of past practice. The Church Committee stated:

By statute, the National Security Council should be explicitly empowered to direct and provide policy guidance for the intelligence activities of the U.S., including intelligence collection, counterintelligence, and the conduct of covert action.<sup>34</sup>

By statute, an NSC committee (like the Operations Advisory Group) should be established to advise the President on covert action.<sup>35</sup>

The legislation establishing the charter for the Central Intelligence Agency should specify that the CIA is the only U.S. Government agency authorized to conduct covert actions.<sup>36</sup>

Legislating the functions of the national security organs, when in the past they have been defined by executive orders, does little to alter the conditions proven amenable to extensive covert operations. The NSC has guided the conduct of covert action; a committee like the Operations Advisory Group has always existed; and only the CIA has executed the nation's covert operations. Legislation would make explicit these responsibilities and firmly set ultimate authority for covert policies where such authority has been blurred. But, without mitigating the tendency to use covert operations, such legislation is a concession to the stature of covert action. The recommended statutes would amend and expand the National Security Act of 1947 to

embrace covert action where there had been no mention of covert action at all. Emphasis on such statutes would leave the same conditions that have aided initiation of covert operations in the past.

The final outcome of the proposals for strengthening executive control or restraint of the CIA actually is consonant with those past "reorganizations" which have been used to encourage the use of covert action. Simply because the current recommendations appear in a context which deplores the extent of covert action is no insurance that such a perspective will prevail permanently. Past recommendations have sounded suspiciously similar to present ones, and they were offered as a means toward utilization of CIA abilities to their fullest, and not toward a reduction of such use. The Hoover Commission of 1955 recommended the creation of the President's Board of Consultants on Foreign Intelligence Activities and that the "Central Intelligence Agency be reorganized internally to produce greater emphasis on certain of its statutory functions,"<sup>37</sup> functions dealing with analysis as opposed to operations. Such changes were made with an increase of CIA activity in mind. Allen Dulles wrote that "General Clark's task force of the Hoover Commission ... called for 'aggressive leadership, boldness and persistence.' We were urged to do more, not less."<sup>38</sup> The text of the Commission report itself reads:

Instances have come to the attention of the task force where too conservative an attitude has prevailed, often to the detriment of vigorous and timely action in the field.<sup>39</sup>

Present proposals regarding executive remedies are essentially the

same as those of 1955, emphasizing a Presidential board and enhancement of the stature of analysis within the existing organization. If these recommendations could have been used to promote more operations in 1955, there obviously is no basic alteration of the inclination to use covert action in the present proposals. There is no guarantee that, upon a whim, the current deprecation of covert action cannot be transformed into an admiration like that of 1955. When and if that transformation occurs, it will do so within a structure similar to that of 1955, and will have at its disposal an organization that has proven to facilitate covert action.



V. EFFECTIVE REORGANIZATION  
SEPARATION OF CIA FUNCTIONS

Most proposals for change do little to rid the CIA of those attributes which instigate inordinate use of covert operations. Secrecy, the bias toward action, the capability for action, and the immediate availability of the CIA remain unchallenged. It is true that as long as the ability to conduct covert action is desired, these attributes will have to remain in one guise or another, but they can remain within restricted limits. An intelligence organization is needed that reduces the tendency for extended use of covert operations. Enduring obstacles must be erected which interrupt the free play of the CIA's enticement toward clandestine activities. Evidently, this cannot be achieved by the recommendations already discussed, by overseeing the subtle forces which invite policy-makers' demands for covert action or by feeble alteration and reshuffling of the executive mechanisms for governing the CIA. Rather than oversight of the CIA's activities, a change in the view is necessary. That is, rather than attempting to audit the CIA's funds, a change in the amount and allocation of money is needed. Rather than attempting to keep an eye on the assets of a huge and ubiquitous agency, a reduction in the size of the CIA is called for. Rather than attempting to distinguish the analytical and operational facets of intelligence within the present national security

structure, where the two are fused in the person of the DCI and in the CIA itself, a basic division of functions is essential. Timid measures will not alleviate the inclination to stress operations. Bold measures can chasten that inclination without sacrificing the efficacy of essential intelligence functions or responsible executive control of the few covert operations which may be necessary.

Many who offer recommendations for altering the intelligence community realize that their proposals are inadequate. The Church Committee, in particular, was acutely aware of the poverty of the measures it recommended. The Committee first suggested congressional oversight committees, among other slight alterations in the control and review of the CIA, and then followed with a tentative proposal. It suggested that, after the creation of congressional oversight, those committees should consider

separating the functions of the Director of Central Intelligence and the Director of the CIA and ... dividing the intelligence analysis and production from the clandestine collection and covert action functions of the present CIA.<sup>1</sup>

The Committee withdrew from responsibility for concluding on the merits of such a proposal by passing the buck to yet non-existent oversight committees. However, the proposal is fundamental, the key to reorientation of the CIA away from implementation of covert action.

Separation of CIA function is not a new proposal. Following the Bay of Pigs, Arthur M. Schlesinger Jr. made a White House study which concluded that covert functions should be placed in a new agency directly under the State Department for policy guidance.<sup>2</sup> At the same time, State Department studies

commissioned by Dean Rusk reached a similar conclusion.<sup>3</sup> Marchetti and Marks, before advocating the abolition of the clandestine service, considered separating "the operational part of the CIA ... from the non-covert components."<sup>4</sup> The Church Committee simply picked up the same thread of ideas and quickly passed it on without arguing strenuously for its implementation. Illustrating the merit in separating collection and operations from the CIA is no more than picking up where the Church Committee chose to withdraw.

The Church Committee gave a one page discussion to suggest what the separation of functions might entail, listing several advantages and disadvantages. The advantages can be elaborated to see how they actually invest the intelligence organization with a permanent abridgement of the tendency to initiate covert action. The disadvantages are, at worst, mixed blessings. There are seeds of healthy alterations of the intelligence community even in what the Church Committee saw as disadvantages to the separation of analysis from collection and separation of the responsibilities of the DCI from those of the Director of the CIA.

The most immediate benefit is that the pressures for action originating in large part from the proximity of operational ability to high authority can be reduced by removing that part of the CIA having potential for autonomous action on a broad front. This is done first through the person of the DCI. The problem of his dual role in the intelligence system would be solved. In the Church Committee's words:

The DCI would be removed from the conflict of interest

situation of managing the intelligence community as a whole while also directing a collection agency.<sup>5</sup>

The Committee saw some conflict of interest in the two roles of the DCI just as Marchetti and Marks stated that "intelligence should not be presented to the nation's policy makers by the same men who are trying to justify clandestine operations."<sup>6</sup>

Both formulations are somewhat severe in that they impute a conscious malevolence to the DCI. There are no documentable examples where the Agency can be said to plot or conspire to draw policy-makers into covert operations. Rather, the problem is the more subtle one of representation on the highest councils and the attendant aura of availability of the CIA's covert capacities. Divested of his authority over the operational aspects of the CIA, the DCI can sit on the NSC and the seven NSC committees without speaking for operations, without injecting operations into policy formulation, and without facilitating the propensity of policy-makers to ask within the context of an intelligence briefing, on Chile for instance, "How about a little covert action here?" The executive mechanisms for control and review of the CIA would be greatly altered. This is not simply the addition of an extra official to this or that committee. In one bold stroke, operations would be permanently removed eight times from the policy formulation structure, once for each seat the present DCI occupies in the NSC organization.<sup>7</sup> The Church Committee's fear that

the Director of Central Intelligence might lose the influence that is part of having command responsibility for the clandestine services<sup>8</sup>

is a misplaced fear. The DCI's loss of influence as an authority

over operations is the point of reorganization. He becomes an independent coordinating officer for intelligence able to handle the community's analytical, budgetary, and advisory business without embodying any operational aspects or subtly influencing policy toward operations. The Church Committee also cited as a disadvantage the fact that

if the clandestine services did not report to the DCI, there would be the problem of establishing an alternative chain of command to the President.<sup>9</sup>

But the present chain of command is not the only possible one. The British have a system which keeps the research and analysis functions in an organization separate from the secret intelligence gathering, operational functions and subordinates the latter very sharply to the Foreign Office.<sup>10</sup> Creation of a similar chain of command for CIA clandestine services is again the point of reorganization. A separate agency embodying clandestine intelligence collection and operations can be established with a new director. The new officer could report to the Secretary of State, immediately facilitating the coordination of covert intelligence activities with the State Department and U.S. foreign policies in general. Presidential responsibility would be retained through the Secretary of State's seats on the NSC and the Operations Advisory Group. The restructuring of authority would remove operations from intelligence in the general sense of intelligence, maintain executive responsibility for any necessary covert action, and reduce the presence of operational ability in the formulation of national security policy. The constant availability of CIA capacity for action which facilitates

a reliance on covert activities would be minimized.

Further reorientation of the CIA away from operations is made easy once the separation of clandestine functions from the rest of the Agency is carried out. The agency for operations can be created as a miniature of the present Directorate of Operations and, by allowing it to stand alone, the conditions which have nurtured the growth of covert ability and the priority given that ability can be avoided. With covert activities concealed behind the large mass of overt intelligence functions -- research and estimating, monitoring foreign radio broadcasts, etc. -- the covert aspects were allowed to blossom.<sup>11</sup> Even if the stature of operations were reduced relative to research and analysis within the present CIA, which has operations buried amid all intelligence functions, there would be no basic alteration of the circumstances which brought about the distortion toward operations initially. But with operations placed in a separate agency, the balance between operations and the passive intelligence functions is clear; the allocation of resources maintaining covert action as only a special, extraordinary tool in the conduct of foreign policy is unambiguous. The Church Committee was correct in stating that separation "would facilitate providing the intelligence production unit with greater priority and increased resources."<sup>12</sup> Roger Hilsman's post-Bay of Pigs observation that the "basic trouble was that the agency simply was too powerful for the narrow function for which it was responsible"<sup>13</sup> no longer need be true.

The authority of the new DCI, divested of his control over

operations, can be enhanced to any degree necessary for efficient coordination of the intelligence community. The various intelligence agencies can be subordinated to the DCI for review and control without danger of increasing the tendency to favor operations. As the primary intelligence officer of the nation, with the requisite authority of that position, the new DCI will be better able to adjust the intelligence programs of the several agencies to meet changing international conditions and to reduce internal overlapping or duplication of effort.<sup>14</sup>

The operational agency will have responsibility only for those activities which are legitimately related to intelligence. Clandestine intelligence collection, of course, will be its main task. The operations or covert action which it must be assigned can be restricted in size by confining them to the classic intelligence "assets," the contacts which already exist as part of clandestine collection. Money may be passed, information transferred, or political influence insinuated through these assets, but the paramilitary or grand scale operations can be eliminated. William Colby's unease with the secret operation in Laos<sup>15</sup> or the ludicrous idea that an invasion of Cuba has anything to do with intelligence can be erased. A truly secret intelligence service can be created which will be effective without being so capable that it will be propelled into operations that are unnecessary or outside the realm of intelligence. The Church Committee's fear that "the Clandestine Service might be downgraded and fail to secure adequate support"<sup>16</sup> should be, in part, the Committee's hope. The Clandestine Service should

receive adequate support, but considering the scope and frequency of its past activities, that portion of the CIA requires a diminishment in function -- a "downgrading" in size and authority. A discussion during the Church Committee hearings on covert action summed up the need for a small operational agency and also revealed that a reduction in CIA size and capability should be amenable to all parties. A former CIA officer, David A. Phillips, spoke about a conversation he had with a man who was on the beach at the Bay of Pigs.

He said that he knew failure was inevitable. He explained, "Previous success will leave the desire on the part of a chief executive or secretary of state to seek the easy way to do things and to task us with an impossible job."

That's why I think it has to be small.<sup>17</sup>

The present CIA, with its great size and capacity, is too easily brought into American foreign policy. The creation of a small operational agency combats such insinuation of covert action into the arsenal of policy tools.

Not coincidentally, removal of operations from the present CIA and restoration of the importance of research, analysis, and coordination relative to collection and operations will create an intelligence structure that resembles more closely the organization intended by Congress in 1947. A reconciliation between the intelligence community and the National Security Act of 1947 can be effected by the establishment of a small, separate operational agency. The "clearinghouse" for intelligence, implied in the statute, having coordinating and disseminating abilities and an advisory capacity to the NSC, would remain where the present CIA stands.



A statement by Clark Clifford directly supports the proposal for separating operations from the present CIA in light of the original intelligence structure.

In the beginning, there was a separation between the CIA and the group charged with covert activities. In the early 1950's, they were consolidated.<sup>18</sup>

Most interesting to note about this initial separation of operations is the fact covert action was guided by the Departments of Defense and State. A recapitulation of the early growth of the CIA shows that

another office had been added to engage in covert operations or political warfare. The new office was in, but not of, the CIA. It took its directives from a State-Defense committee, not the DCI.<sup>19</sup>

In October 1950, DCI Walter Bedell Smith simply announced that he would take administrative control of covert operations and that State-Defense input would be channeled through the DCI.<sup>20</sup> Therefore, the present proposal not only is a better approximation of the intelligence system envisioned in the National Security Act, but also attempts to restore original State Department responsibility for a small operational agency. Creation of the new agency will do much to ground CIA activities in law, a condition not approached under the system of executive directives which led the CIA beyond its original congressional mandate.

Concomitant with the separation of CIA functions is the double opportunity presented to Congress for oversight. There may be easier access to the intelligence community through the point of central coordination and dissemination, given the fact

that, at that point, there need be less concern for the statutory admonishment for "protecting intelligence sources and methods from unauthorized disclosure."<sup>21</sup> Such sources and methods are embodied largely in the collection and operations functions. Appropriate units of Congress at least can be briefed on the latest intelligence estimates available to the government. Here, Congress can be as informed on intelligence as it chooses to be.<sup>22</sup> By gaining more exposure at the coordinating and "final product intelligence" level, the legislature first would be better informed on intelligence overall and, second, would be better equipped to attempt responsible oversight of the operational facets of intelligence. Review of the operational agency may still be difficult. Oversight committees will still face the dilemma described by Senator Case -- it is difficult to see "what good a committee does if it can't tell what it knows." Such committees probably will face the inevitable executive disinclination to cooperate. However, the separation of operations allows the Congress, at minimum, to monitor the size and capacity of the nation's covert action potential, and to restrain unnecessary growth of the operational agency. Under such conditions, the lack of a complete intrusion by the legislature into executive secrecy can be tolerated. Being informed on intelligence in general, and aiding the restraint of the capacity in the operational facets of intelligence, Congress can render secrecy a less pernicious quality. In doing so, Congress would better approximate its constitutional role in conduct of foreign policy.

There remains one main objection to the separation of collection and operations from analysis and coordination. It is expressed in William Colby's statement that

Separation from the clandestine branches further isolates the analysts, and the farther away they are from the smell of a problem the more artificial their judgement.<sup>23</sup>

The Church Committee seemed confused as to whether it agreed with this argument. First, the Committee posited that separation would improve the intelligence effort by altering the relationship between analysis and collection:

The problem, seen by some in the intelligence community, of bias on the part of CIA analysts toward collection resources of the CIA would be lessened.<sup>24</sup>

On the same page in the Committee report, a disadvantage to separation was offered.

The increasing, though still not extensive, contact between national intelligence analysts and the Clandestine Service for the purpose of improving the espionage effort might be inhibited.<sup>25</sup>

The Committee was unsure which result would ensue or which would be more desirable. Lacking any forceful conclusion by the Committee, strong pronouncements on the subject, like William Colby's, remain unchallenged. In fact, Colby's statement is more an adverse response to the short range inconveniences of reorganization, ignorant of the long range benefits inherent in separation of function, than an assertion of absolute truth.

There basically are two aspects that define the relationship between collection and analysis. One concerns the flow and identity of information to analysts from the field, and the other concerns instruction given operatives in the field. Both have always been impersonal, detached and separate relationships.

Analysts do not smell a problem or intelligence; they read it. Operatives do not participate in evaluating raw intelligence; they collect, sign, and transmit it. Donald Morris, a CIA agent for sixteen years with experience in the Congo, Vietnam, and Germany, indicated that he did not know the person in analysis to whom he reported. The analysts might know who he is or, more likely, how reliable an agent he is, but such an assessment depends only upon the effectiveness of his reportage and not upon the fact that he belongs to the same agency. The fact that CIA analysts can evaluate the reliability of sources in detached circumstances is substantiated by the practice of collecting from the other intelligence agencies, the DIA, NSA, and armed forces intelligence. "Outside" information is used despite such distinct separation of organizations. Furthermore, the recent trial of "a competitive analysis" in which a team of outsiders analyzed and challenged estimates prepared by the regular intelligence community<sup>26</sup> belies the assertion that analysts must be intimately acquainted with the collection side of intelligence.<sup>27</sup>

Directing operatives in the field also does not depend upon embodiment of collection and analysis in the same agency. The present DCI is a major participant in setting intelligence requirements for the entire intelligence community. There is no reason why the new chief intelligence officer cannot do the same for a new collection and operations agency. Donald Morris' experience supports the notion that there is no "magic" in the relationship between analysts who desire a particular

type of information and the agent with the ability to collect it. Operatives simply receive a directive stating the category of intelligence that should be sought. The directive naturally flows from the intelligence requirements set for the intelligence community as a whole. Mr. Morris noted that more information on Soviet industrial production was desired. While in Germany, he simply received notice that he was to garner information on Soviet high tensile strength steels -- no special call from his analyst, no request for his services due solely to the fact that he would report to a person employed by the same agency in which he worked. In short, separation of collection from analysis will have no debilitating effect on the intelligence effort. If analytical judgements do become artificial, as Mr. Colby said they would, they will not do so because of the proposed reorganization. Separation of functions does little to change the essential relationships between analysts and operatives in the field.

## CONCLUSION

The installation of operations and collection in an agency separate from the present CIA would prove to be a mitigating influence on the extended use of covert action. The immediate presence and availability of the operational aspects of intelligence would be removed from policy-making in national security affairs by splitting the present roles of the DCI and by secreting operations in a separate agency not directly subordinate to the NSC. Separation facilitates a reduction in the size and omnipresent capability of operations, thus further reducing the tendency for the executive to desire covert action. Reorganization also promises Congress easier access to intelligence in general and would allow the legislature to serve as a more effective monitor of the limits on the growth of the operational agency. Thus, Congress would better approximate its constitutional role as a check on the executive's actions. The separation of functions can be achieved with little or no sacrifice of the efficacy of the more classic intelligence effort, and executive responsibility for the covert action which may be necessary would be retained in lines of command through the Secretary of State and the NSC. Decisions on the use of covert action could be made free of the insidious organizational influences that enhance the possibility of that use.

If any lesson is obvious in the history of the trials of the CIA, it is that not only the substance of a national security decision but the way in which it is reached is of great importance. The CIA has epitomized ways of making and influencing decisions that should not be tolerated. The establishment of a capable operational arm directly and secretly subordinate to the highest authority is an anomaly in a nation which has as its foundation laws and procedure. Such circumstance violates the perhaps too often invoked ideal that "this is a government of laws, and not of men." The reorganization of CIA functions aspires to a better realization of the commitment to the forms and procedures of democratic government succinctly articulated in that phrase.

New administrations may emphasize commitments to a more democratic foreign policy, to leashing the clandestine services, and may promise to reform the intelligence community for the execution of open and popular policies. Such sentiments are significant because they harbor a hope that the many societal factors which thrust American influence to all areas of the world are changing. They might herald a retreat from the globalism that largely has determined the great use of covert action. Without such general alteration in the tenor of U.S. foreign policy, reform directed solely at organization -- a particular cause of covert action -- may not have an enduring effect. But the organic restructuring and redistribution of CIA functions at bottom represents an honest orientation away from covert policies. This reform effectively deals with covert

action's bureaucratic roots in the NSC and CIA. As such it could be a vehicle that gives substantive expression to any other changes in perspective on the use of covert operations. The proposal for separating the functions of the present CIA is faithful to the disaffection with past use of covert action.



## FOOTNOTES

### I. COVERT ACTION: ROOTS AND REFORM

1. Jerrold Walden, "Restraining the CIA," in Surveillance and Espionage in a Free Society, ed. Richard H. Blum (New York: Praeger Publishing, 1972), pp. 222-9.
2. Willaim Taubman, ed., Globalism and Its Critics: The American Foreign Policy Debate of the 1960's (Lexington Mass: D.C. Heath and Company, 1973)
3. Richard R. Fagen, Politics and Communication (Boston: Little, Brown and Company, 1966), p. 69.
4. Peter M. Blau, The Dynamics of Bureaucracy (Chicago: The University of Chicago Press, 1963), p. 2.
5. Philip Selznick, "Foundations of the Theory of Organization," in Complex Organizations: A Sociological Reader, ed. Amitai Etzioni (New York: Holt, Rhinehart and Winston, Inc., 1961), p. 23.
6. "To Bribe or Not to Bribe," New York Times, February 23, 1977, p. A22.

### II. CIA: ADMINISTRATIONS' BABY

1. The National Security Act of 1947, sec. 102, 61 stat. (1947)
2. Ibid.
3. The question of congressional intent naturally is a difficult one, especially in light of the fact that the CIA was conducting numerous operations by 1948. It had major covert operations under way in roughly fifty countries by 1953. (U.S. Congress, Senate, Select Committee to Study Governmental Operations with respect to Intelligence Activities, Covert Action, Hearings, 94th Cong., 1st sess., 1976, p. 8. [Hereafter referred to as Church Committee, Covert Action Hearings]) The passage of the Central Intelligence Act of 1949, which freed the CIA from ordinary budgetary review but also made no mention of operations, compounds

the problem. Paralleling the difficulties in determining congressional intent is the question of the original executive conception of covert action. Anne Karalekas argued that senior officials present in 1947 did not plan to develop large scale continuing covert operations. (U.S. Congress, Senate, Select Committee to Study Governmental Operations with respect to Intelligence Operations, Supplementary Detailed Staff Reports on Foreign and Military Intelligence, S. Rept. 94-755, Book 4, 94th Cong. 2nd sess., 1976, p. 31 and see pp. 25-31 for a full development of this idea. [Hereafter referred to as Church Committee, Final Report Book 4]) Perhaps the best way to characterize the expansion of CIA activity is to say that it grew beyond the original expectations of both the Congress and the executive of 1947.

4. Church Committee, Covert Action Hearings, p. 4.

5. Victor Marchetti and John D. Marks, The CIA and the Cult of Intelligence (New York: Alfred A. Knopf, 1974) p. 323.

6. Church Committee, Covert Action Hearings, pp. 50-1.

7. See U.S. Congress, House, Select Committee on Intelligence, U.S. Intelligence Agencies and Activities: Risks and Control of Foreign Intelligence, Hearings, 94th Cong., 1st sess., 1976. [Hereafter referred to as Pike Committee, Hearings] Statement of Mitchell Rogovin, Special Counsel to the DCI, pp. 1729-38.

8. U.S. Congress, Senate, Committee on Foreign Relations, CIA Foreign and Domestic Activities, Hearings, 94th Cong., 1st Sess. 1975, p. 3. [Hereafter referred to as Foreign Relations Committee, CIA Activities]

9. Allen Dulles, The Craft of Intelligence (New York: Harper and Row, 1963), p. 189.

10. Church Committee, Covert Action Hearings, p. 47.

11. U.S. Congress, Senate, Committee on Armed Services, Nomination of William E. Colby, Hearings, 93rd Cong., 1st sess., 1973, p. 28. [Hereafter referred to as Armed Services Committee, Colby Nomination]

12. Church Committee, Covert Action Hearings, p. 98.

13. Ibid., p. 70.

14. Ibid., p. 13.

15. U.S. Congress, Senate, Select Committee to Study Governmental Operations with respect to Intelligence Activities, Intelligence Activities and the Rights of Americans, S. Rpt. 94-755, Book 2, 94th Cong., 2nd sess., 1976, p. 69. /Hereafter referred to as Church Committee, Final Report Book 2/

A special Agency section called CHAOS was established, and it compiled files on 7,200 American citizens and developed a computerized index with the names of more than 300,000 persons and organizations.

16. U.S. Commission on CIA Activities Within the United States, Report to the President (Washington: GPO, 1975), p. 31. /Hereafter referred to as Rockefeller Commission Report/

17. National Security Act, sec. 102.

The CIA's involvement in Watergate also can be viewed as a consequence of executive direction. As such, it is another example of executive responsibility for CIA activities. In July 1971, Howard Hunt went to the CIA to collect some equipment -- a wig, tape recorder and camera -- for a purpose which was not specified at the time. The acquisition of the equipment had been arranged between John Erlichman and the Director's deputy, General Cushman. Another CIA deputy, General Walters, was instructed to attempt to contain, by speaking to Acting FBI Director Gray, the FBI's investigation of Watergate related funds that had been "laundered" in Mexico. Until their unjustifiable intent became obvious, the Agency's representatives did accede to these requests because it was inferred that the highest authority was behind the demands. (U.S. Congress, Senate, Committee on Foreign Relations, Nomination of Richard Helms to be Ambassador to Iran and CIA International and Domestic Activities, Hearings, 93rd Cong., 1st sess., 1974, pp. 68-73, 84-5. /Hereafter referred to as Nomination of Richard Helms/

### III. THE INSTITUTIONAL BIAS TOWARD COVERT ACTION

1. U.S. Commission on Organization of the Executive Branch of Government, Foreign Affairs: A Report to Congress, (Washington: GPO, 1949), p. 24. /Hereafter referred to as Hoover Report 1949/

2. U.S. Congress, Senate, Select Committee to Study Governmental Operations with respect to Intelligence Activities, Foreign and Military Intelligence, S. Rept. 94-755, Book 1, 94th Cong., 2nd sess., 1976, p. 42. /Hereafter referred to as Church Committee, Final Report Book 1/
3. Rockefeller Commission Report, p. 71.
4. Ibid., p. 72.
5. Ibid.
6. For example, it provided the CIA's operation "Mongoose" with gadgets designed to discredit Fidel Castro. It produced a substance which, when smeared on Fidel's boots, would cause his beard to fall out. (Taylor Branch, "The Trial of the CIA," New York Times Magazine, September 12, 1976, p. 118.)
7. Rockefeller Commission Report, p. 84.
8. Church Committee, Final Report Book 1, p. 432.
9. U.S. Congress, Senate, Committee on Armed Services, National Defense Establishment, Hearings on S. 758, 80th Cong., 1st sess., 1947, p. 525.
10. National Security Act, sec. 102.
11. Roger Hilsman, To Move a Nation (Garden City, New York: Doubleday and Company, 1967), p. 85.
12. Church Committee, Final Report Book 4, p. 70.
13. Hilsman was director of intelligence and research in the State Department at the time.
14. Hilsman, p. 31.
15. Ibid.
16. Church Committee, Covert Action Hearings, p. 195.
17. Hilsman, p. 67.
18. Dulles, p. 48.
19. U.S. Congress, Senate, Committee on Armed Services, Establishing a Senate Select Committee on Intelligence, Hearings, 94th Cong., 2nd sess., 1976, p. 28. /Hereafter referred to as Armed Services Committee, Establishing a Committee/

20. Armed Services Committee, Colby Nomination, p. 87.
21. Church Committee, Final Report Book 1, p. 75.
22. Armed Services Committee, Colby Nomination, p. 86.
23. There are two dimensions to this action momentum. The first refers to the mutual reinforcement of initial inclinations toward action by the CIA and those charged with the CIA's direction. There is also a momentum strictly internal to the CIA, which itself is a topic meriting serious consideration. Pressures for expansion of activities may be contained entirely within a particular CIA directorate or operation, as was the case when contacts were made with Sam Giancana of the Mafia for assassination of Fidel Castro. (See statement of Arthur Schlesinger Jr. in Pike Committee Hearings, p. 1849 for this and other examples.) But such autonomous CIA momentum, which undoubtedly has been prevalent, is subsidiary to the basic atmosphere of inducement and ready acceptance of action surrounding the executive and CIA. Strictly internal expansion may add to the allure of the CIA in the eyes of the executive by increasing CIA capability and presence (as is the case in note 26 below), but it could not exist without the congenial relationship between the CIA and the executive. There could have been assassination plots only if the administrative desire to interfere in Cuban affairs, in general, existed. In the Church Committee's words, "Plots to assassinate Castro [can] not be understood unless seen in the context of Operation MONGOOSE, a massive covert action program designed 'to get rid of Castro'." (Church Committee, Final Report Book 1, p. 143.)
24. Church Committee, Final Report Book 2, p. 4.
25. Church Committee, Covert Action Hearings, p. 153.
26. Circumstances concerning the CIA's communications from overseas speak metaphorically of the general tendency of the Agency to expand, to become more active within the scope of its business. Some CIA communication of raw intelligence to analysts at headquarters in Langley Virginia is handled by an agency of the

U.S. Army. At one point, the CIA requested information space, or communication time, on the network managed by the Army, and it mentioned a figure which approximated the time that it thought it needed. The Army replied that recent technological advances had made possible the availability of communication time three to five times in excess of the figure requested by the CIA. The Agency immediately made use of the unexpected windfall. It literally stuffs the communication network with an enormous volume of intelligence data. Where the CIA initially gets a toehold in some activity, expansion of that activity usually follows. (This discussion is gleaned from a conversation with the Assistant Technical Director of the Satellite Communications Agency, U.S. Army, Fort Monmouth New Jersey.)

27. Church Committee, Final Report Book 4, p. 84.

28. Arthur M. Schlesinger Jr., The Imperial Presidency, (Boston: Houghton Mifflin Company, 1973), p. 318.

29. This includes armed forces intelligence, the Defense Department Intelligence Agency (DIA), the National Security Agency (NSA), the Intelligence Bureau of the State Department, the FBI, the AEC, and the Treasury Department.

30. Nomination of Richard Helms, p. 80.

31. Walden, p. 219.

32. Marchetti and Marks, p. 78. Marchetti and Marks' broad notion of operations here includes all functions associated with clandestine CIA activities. That is, they probably mean that 2/3 of the CIA budget has been going to the Directorate of Operations.

33. Hilsman, p. 66.

34. Ibid., p. 70.

35. Proprietaries are business entities, wholly owned by the CIA. They fall into two categories: operating companies which actually do business as private firms; and non-operating companies which appear to do business. Some of their functions are

provision of cover for intelligence collection, support of covert operations, and direction of propaganda mechanisms. (Church Committee, Final Report Book 1, pp. 205-7.)

36. Marchetti and Marks, p. 137.
37. Walden, p. 228.
38. Hilsman, pp. 65-6.
39. Marchetti and Marks, p. 295.
40. Church Committee, Final Report Book 1, p. 78.
41. Ibid., p. 82.
42. Ibid.
43. Henry M. Jackson, The National Security Council -- Jackson Subcommittee Papers on Policy-Making at the Presidential Level (New York: Praeger, 1965)
44. Church Committee, Covert Action Hearings, p. 189.
45. Nomination of Richard Helms, p. 73.
46. Ibid., p. 102.

#### IV. PROPOSALS FOR CHANGE: INADEQUATE

1. Armed Services Committee, Colby Nomination, p. 34.
2. Lyman B. Kirkpatrick, The U.S. Intelligence Community: Foreign Policy and Domestic Activities (New York: Hill and Wang, 1973), p. 59.
3. Church Committee, Final Report Book 2, p. 380.
4. Ibid., p. 394.
5. Foreign Relations Committee, CIA Activities, p. 30.
6. Armed Services Committee, Establishing a Committee, p. 14.
7. Church Committee, Covert Action Hearings, p. 143.
8. Rockefeller Commission Report, p. 126.
9. Ibid.
10. Dulles, pp. 248-9.

11. Branch, p. 116.

12. Ibid., p. 35.

13. Foreign Relations Committee, CIA Activities, p. 14.

Also compare present knowledge of CIA operations in Chile with Helms' testimony before the Senate Foreign Relations Committee in 1973:

Senator Symington. Did you try in the Central Intelligence Agency to overthrow the government of Chile?

Mr. Helms. No, sir.

Senator Symington. Did you have any money passed to the opponents of Allende?

Mr. Helms. No, sir.

Senator Symington. So the stories you were involved in that war are wrong?

Mr. Helms. Yes, sir.

(Nomination of Richard Helms, p. 47.)

14. Foreign Relations Committee, CIA Activities, p. 29.

15. Dulles, p. 241.

16. Foreign Relations Committee, CIA Activities, p. 12.

17. Branch, p. 123.

18. Dulles, p. 194.

Congress itself is not beyond pressuring or stoking the desire for covert operations. Congress may be somewhat dovish on such operations at the present time, but history does not grant the legislature such consistency in opposing aggressive action in global affairs. Congress has often tugged the nation toward war or intervention ever since the war-hawks of 1812. More to the point of controlling CIA activities is the role of the legislature in the Dominican "crisis" of 1965. The legislature enabled the dispatch of the marines to Santo Domingo, thus capping a long involvement of the U.S. in the internal affairs of the Dominican Republic. The House of Representatives passed a resolution by a vote of 315 to 52 justifying the unilateral use of force on foreign territory by any nation which considers



itself threatened by international communism, directly or indirectly. (Richard J. Barnet, Intervention and Revolution -- The United States in the Third World, New York: The World Publishing Company, 1968, p. 174.)

19. Marchetti and Marks, p. 336.

20. Armed Services Committee, Establishing a Committee, pp. 25-6.

21. Marchetti and Marks, p. 337. The actual operation was deleted from Marchetti and Marks' text by the CIA, and the deletion was upheld by the Supreme Court.<sup>7</sup>

22. U.S. Commission on Organization of the Executive Branch of Government, Intelligence Activities: A Report to Congress (Washington: GPO, 1955), p. 1. [Hereafter referred to as Hoover Report 1955]

23. Harry H. Ransom, "Can the Intelligence Establishment be Controlled in a Democracy," in Surveillance and Espionage in a Free Society, ed. Richard H. Blum, p. 212.

24. U.S. Congress, Senate, Select Committee to Study Governmental Operations with respect to Intelligence Activities, Supplementary Reports on Intelligence Activities, S. Rept. 94-755, Book 6, 94th Cong., 2nd sess., 1976, p. 274.

25. The Board also has no authority to serve as an effective watchdog committee. For example, when it became aware of the Huston Plan, it asked the Attorney General and the Director of the FBI for a copy of the plan. The request was refused, and the Board did not take the matter to the White House. (Church Committee, Final Report Book 1, p. 429.)

26. Church Committee, Final Report Book 1, p. 429.

27. Ibid.

28. President, Vice President, Secretary of State, Secretary of Defense, Chairman of JCS, DCI, Assistant to the President on National Security Affairs, Deputy Secretary of State, Deputy Secretary of Defense, Attorney General, Director OMB, Chairman of the Council of Economic Advisors, Director of the Arms Control and Disarmament Agency.

29. Undersecretaries Committee, Senior Review Group, Committee on Foreign Intelligence, Verification Panel, Defense Program Review Committee, Washington Special Actions Group, Operations Advisory Group.

30. Excluding the positions of President and Vice President, who sit only on the NSC and for whom the NSC committees exist to offer advice, three individuals sit on only one council -- the Director of OMB, the Chairman of the Council of Economic Advisors, the Director of the Arms Control and Disarmament Agency; three individuals sit on two councils -- the Secretaries of State and Defense, and the Attorney General; a Deputy Secretary of State sits on five; a Deputy Secretary of Defense and the Chairman of JCS sit on six; the Assistant to the President on National Security Affairs sits on seven; and the DCI sits on all eight.

31. Church Committee, Final Report Book 1, p. 434.

32. Hilsman, p. 80.

33. Ibid.

34. Church Committee, Final Report Book 1, p. 429.

35. Ibid., p. 430.

36. Ibid., p. 448.

37. Hoover Report 1955, p. 70.

38. Dulles, p. 259.

39. Hoover Report 1955, p. 43.

#### V. EFFECTIVE REORGANIZATION

##### SEPARATION OF CIA FUNCTIONS

1. Church Committee, Final Report Book 1, p. 451.

2. Hilsman, p. 79.

3. Ibid.

4. Marchetti and Marks, p. 375.

5. Church Committee, Final Report Book 1, p. 450.
6. Marchetti and Marks, p. 375.
7. President Carter recently has cut the number of NSC committees from seven to two. This does not mean that the proposed re-organization is only three-eighths effective. The amount of NSC business remains the same, and the DCI is always present just as he was in the old system. The removal of his operational role would have the same effect whether it be done now or during any other administration.
8. Church Committee, Final Report Book 1, p. 450.
9. Ibid.
10. Hilsman, p. 77.
11. Ibid., p. 79.
12. Church Committee, Final Report Book 1, p. 450.
13. Hilsman, p. 77.
14. Hoover Report 1949, pp. 25-6.
15. See page 12.
16. Church Committee, Final Report Book 1, p. 450.
17. Church Committee, Covert Action Hearings, p. 79.
18. Ibid., p. 53.
19. Kirkpatrick, p. 32.
20. Church Committee, Final Report Book 4, p. 37.
21. National Security Act, sec. 102.
22. Harry H. Ransom, "Can the Intelligence Establishment be Controlled in a Democracy?" in Surveillance and Espionage in a Free Society, ed. Richard H. Blum, p. 213.
23. David Binder, "U.S. Intelligence Officials Apprehensive of New Shake-Ups Under Carter," New York Times, December 13, 1976, p. 43.
24. Church Committee, Final Report Book 1, p. 450.
25. Ibid.

26. David Binder, "New CIA Estimate Finds Soviet Seeks Superiority in Arms," New York Times, December 25, 1976, p. 1.

27. Members of the outside panel were: Richard Pipes, Professor of Russian History at Harvard; Thomas W. Wolf of the Rand Corporation; Lt. General Daniel O. Graham, former head of DIA; Paul D. Wolfowitz of the Arms Control and Disarmament Agency; Paul H. Nitze, former Deputy Secretary of Defense; John Vogt, a retired Air Force General; and Professor William Van Cleve of the University of Southern California and a former delegate to SALT. They concluded, contrary to regular CIA analysis, that the Soviet Union is seeking superiority over U.S. military forces. This conclusion is debatable, but even if it were completely erroneous, the legitimacy of outside analysis would not be refuted. One of the conditions for being on the panel was that each member hold a more pessimistic view of Soviet plans than those held by advocates of the rough parity thesis. The team's conclusions are better explained and colored much more by their original views than by the fact that they were generally dissociated from intelligence collection. (New York Times, December 26, 1976, pp. 1,14.)

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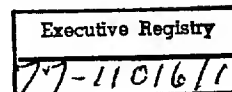
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MEDFORD, MASSACHUSETTS 02155

December 22, 1977

Admiral Stansfield Turner  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Stan,

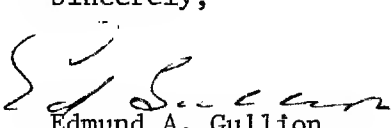
I have been almost continually in transit since our Board meeting on the 13th, and I have only just returned to my office. I hasten to write to thank you for attending our luncheon and addressing the Board of Visitors.

The comment I received from a number of Board members, and in which I share, is that we are delighted to see the Agency in such good hands and addressing the unfortunate legacy in such a realistic and forthright manner. Now that much of the hocus-pocus is gone, I trust that you will be able to get down to the business of the Agency--a confidential and elite intelligence organization. Stand firm among the snipping; your support in the mainstream is strong.

Allow me to express the appreciation of all of us for your stimulating and thought-provoking words.

With best regards.

Sincerely,

  
Edmund A. Gullion  
Dean

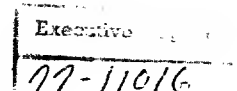
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December 20, 1977

Admiral Stansfield Turner  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Admiral Turner,

I know that Dean Gullion will be writing to thank you for your talk and discussion last week at the Board of Visitors meeting, but I wanted to write to express my personal thanks. To one who grew up, like so many others, being suspicious of the Agency, your conception of the "new" Agency is a real breath of fresh air. It has always seemed to me that one should be much more serious about a much smaller list of secrets. I applaud your efforts to head in this direction.

I am getting to the age where I can look back a little--it seems light years since my undergraduate days at Columbia in 1968 when the CIA was a synonym for wife-beating and worse. Presumably, there is some correlation between a more open agency and more public understanding, as well as vice versa. I think the direction in which everyone is heading will make for difficult sailing but a deeper harbor in the end!

With best wishes for the new Agency.

Sincerely,

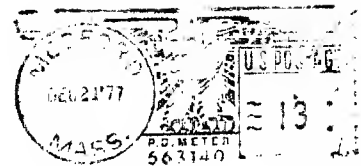
Jeffrey A. Sheehan  
Assistant to the Dean

JAS/sp

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THE FLETCHER SCHOOL OF LAW AND DIPLOMACY  
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Admiral Stansfield Turner  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

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